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Senate

(Legislative day of Monday, July 28, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You have led us through our days and years. Show our lawmakers Your purpose for them and this land we love. As they devote themselves to the worthy task of freedom, supply them with undiminished strength and uncommon wisdom. May they contribute wisely to the security of our Nation and world, as they strive to do Your will on Earth as it is done in Heaven. Lord, encourage them as they encourage one another, and may they work together for the common good. Give them the wisdom to always do the right thing, to be faithful, kind, and humble.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 29, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

Who yields time?

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that my colleagues and I be allowed to speak in a colloquy in the 30 minutes we have been allocated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. I thank the Presiding Officer.

HIGH GAS PRICES

Mr. ALEXANDER. Mr. President, $4 gasoline is the subject before the Senate. It has been the subject before the Senate since the week before last. I am very encouraged that yesterday the majority leader indicated we might be able to move from talking to acting; in other words, to begin to offer amendments, debate on those amendments, and come to a result which would help lower gasoline prices.

Each week, for the last several weeks, I have been reading to the Senate e-mails and letters I have received from Tennesseans who have been hurt by the high price of gasoline.

For example, Jason from Friendsville, TN, which is a Quaker town near where I live, is a firefighter with the Blount County Fire Department. He says that currently five of their stations have only one person in them. They rely on volunteers for the rest of their support, but since gasoline is so high, response from volunteers has been very small, and they have to allow other jurisdictions to respond. He is not sure how he is going to be able to keep driving across town to help other people when he can barely help himself.

Gina from Elizabethton is a single mother who is spending about $65 each week to drive to and from work. She can barely afford groceries because everything is so expensive. She says they have been living on noodles to get by. She is very concerned that Congress and the President are doing a lot of talking but not doing anything about the problem, and she says, ''This country is in such a mess.''

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

William of Riceville is on disability and his wife is unable to work due to health problems. Rising gas prices have made them choose between driving to the doctor or paying for their medicine.

Tina from Nashville is a single mother struggling to support her daughter. They can't even afford to go out to the movies on the weekend, she says, because gas and food prices have risen so much. She says that right now she is spending about $200 each month on gas and prices keep going up, but her paycheck isn't going up at all.

Judy from Joelton is a 61-year-old grandmother struggling to support her daughter and granddaughter who live with her. The gas to take her granddaughter to kindergarten is costing $115 each month, and they are struggling to keep her in school. Judy says she is scared for her family. She has never seen it this difficult to get by.

Mr. President, I ask unanimous consent that following my remarks, these letters and e-mails from constituents in Tennessee be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, as I mentioned earlier, the Senate could have, since the week before last, been bringing up amendments from the Democratic side and the Republican side with proposals for dealing with $4 gasoline. Hopefully, the majority leader and the Republican leader are coming to a conclusion today which will permit us to start doing that. We don't expect every amendment we offer to be adopted, but we do represent millions of people who want us to try to solve the problem.

We have before this Senate a very specific proposal for bringing down the price of gasoline. It is based upon the law of supply and demand: finding more and using less. Now, on this side of the aisle, we usually instinctively talk about finding more; that is, offshore drilling and oil shale, but it is also important to emphasize that part of our plan is using less.

The United States of America uses 25 percent of all the oil in the world. The fastest way for us to bring down the price of $4 gasoline, if it depends upon finding more—supply—and using less—demand—is to use less. What is the most promising way to reduce, by a large amount, the amount of oil we use? Give Big Oil some competition. We believe it is plug-in electric cars and trucks. There are a great many Democrats who believe the same thing. That is part of our plan. That is what we would like to have had on this floor for the last 10 days to discuss.

The bottom line is this: major auto companies—Ford, General Motors, Nissan, Toyota—have told us that in 2010, they will begin selling to us cars and trucks that can be plugged into our wall sockets at home and filled for 60 cents or so instead of filled with gasoline for $80 or so.

Now, most of these cars and trucks will be hybrids; in other words, they will have a gasoline engine and they will have an electric engine. Because there are new, more powerful batteries, these cars will be able to go, in effect, about 100 miles per gallon. These are not being produced by the Government; these are being produced by the car people, so they are coming.

In addition to that, we have plenty of electricity. We see a lot on television from Mr. Boone Pickens, who has a plan, and it would require building a lot of new, large wind turbines for electricity, which might be a good plan. Our plan doesn't require building anything for electricity because we already have it. About half our electricity at night is idle. We are not using it for anything. We are asleep. Our lights are off. Computers are down. We are not using a lot of our electricity, so we can plug in our cars at night—the electricity would be cheap—run our cars on electricity instead of oil, and here would be the result: We would be trading, car by car, foreign oil for unused electric capacity.

Ninety-eight percent of our transportation is oil. Two percent of our electricity is oil. Half our electricity at night is not being used. So we could begin, year by year, gradually converting cars and trucks to electricity, instead of gasoline made from oil. If we converted the whole fleet of cars and light trucks, that would take many years and probably we would never convert them all, but if we did, we would get rid of 10 million of the 13 million barrels of imported oil we have today. Or, if we converted half the fleet—which is a realistic assumption over a number of years—we would reduce by 40 percent our imported oil and cut by 25 percent our total oil consumption.

So plug-in cars, which the car companies are making and which we would like to create the environment to support, are coming, and we have the electricity. In other words, the cars are coming, we have the electricity; all we need is the cord, and that is the most promising way to reduce oil.

I see the Senator from Texas is here. The use less part is something that both sides of the aisle probably can agree on, although I don't know why we haven't been fashioning a program over the last 10 days to do that. We could have been debating whether to have tax credits, whether to have advanced battery research, but we haven't. Where we get stuck is over whether we need more supply.

Our formula is pretty simple: Offshore drilling, oil shale, and plug-in cars and trucks. I say to the Senator from Texas, it seems that whenever we get to the question of needing more American energy, that is where we have a difference of opinion with the other side of the aisle.

Mr. CORNYN. I agree, Mr. President, with the Senator from Tennessee. The way I have heard it expressed, it certainly explains my point of view, and I think the facts, as they are, are that we need all of the above. We need to use less, we need to conserve, and we need to find more energy.

I ask the Senator from Tennessee: To me, it seems as though the problem sort of boils down to how do we generate more electricity and then how do we come up with ways to power our vehicles and fly airplanes. As the Senator points out, 98 percent, I believe he said, of the energy used for transportation is oil-based at present. The Senator from Tennessee has come up with a very commonsense approach—forward-looking—to try to figure out a way, as the car industry has, to do more using of electricity and to reduce our dependency on oil.

It would be helpful to look back at how we got where we are today, not necessarily to point the finger of blame but to point to the fact that it is not likely to get better in the future.

I ask the Senator from Tennessee, isn't it true that growing economies, such as China and India, are demanding more and more access to energy which has fueled their economic growth and, in his view, is it likely that is going to reduce anytime soon or just get worse? In other words, is this something that is going to go away—a temporary problem—or is this something that is going to become more and more of a problem as time goes on?

Mr. ALEXANDER. I think the Senator is exactly right. In the newspapers today and yesterday was the story of how in India they are introducing a new car which will be sold for $2,500. Now, there are more than a billion people in India. They have a middle class that is bigger than the whole population of the United States of America. When suddenly tens of millions of people in India begin to drive cars that are powered by gasoline, what happens to the demand for oil in that country? The demand goes up, and if the supply doesn't go up, too, the price goes up.

We have the same thing in China. There is a story in the Washington Post today, which is part of a series, about how the Chinese, actually, for status purposes, like driving Hummers. They like big cars. Here we Americans are going to small cars and the Chinese are going to big cars and there are a lot of them as well. We know the demand for oil and gasoline is going up around the world, and we are in the world market. So for the foreseeable future, as we move to a different kind of economy—a different kind of energy picture—we are going to need at least as much oil as we have today.

I say to the Senator, I think the question is: Are we going to be sending $600 billion or $700 billion overseas to buy it, or are we going to be paying ourselves to use it during the next 10, 20, 30 years while we are moving to a different type of energy environment?

Mr. CORNYN. Mr. President, I know there are some who have suggested we ought to demand that Saudi Arabia

and OPEC actually open the spigot wider, but it seems to me the Senator from Tennessee is exactly right. The problem is our dependency on imported oil from the Middle East and other countries around the world, when we have oil reserves right here in America that can be developed but that Congress has, in fact, placed out of bounds. About 85 percent of the oil here at home could be produced, if Congress would simply allow it, by lifting the ban or the moratoria on development of that oil in the Outer Continental Shelf and the submerged lands along our coastline, and that could help us. I think Senator DOMENICI has talked about it as a bridge to a clean energy future, where we have more cars that run on battery electricity and we wean ourselves from our dependency—not only on foreign oil but on oil, period, because with the growing demand globally, the price pressure on that oil is going to get nothing but worse, rather than better.

I say to the Senator from Tennessee, I know there has been a lot of commotion on the floor over the last few weeks about whether we stay on this issue or whether we move off it to talk about other issues. I know this side of the aisle has insisted that high energy prices and high gasoline prices is the most pressing domestic issue facing our country today. We have been pretty clear that we are not going to leave, and we are not going to move off this issue to something else and leave this unresolved.

I ask the Senator from Tennessee: Is that an approach he agrees with, and does he agree that this is the single most pressing issue facing our country from a domestic standpoint in our economy today?

Mr. ALEXANDER. Not only do I agree with the Senator from Texas, but so does Jason from Friendsville, TN, and Gina from Elizabethton and William from Riceville and Tina from Nashville. Tennesseans want us focused on $4 gasoline. I think the Senator is being generous when he says our position is that the Senate should stay on $4 gasoline until we are finished.

Our position is we wish to get on it. We have been talking about it. We have a right to talk, but until the majority leader creates an environment so we can begin to offer amendments we can then vote on and come to a result on, we cannot act as a Senate. To his credit, yesterday he made such a proposal. I understand he is talking about it with the Republican leader. But we could have been doing this ever since a week ago Friday.

I say to the Senator from Texas, sometimes I hear people say, well, it won't do much good to drill offshore. The debate will probably be between some senators who will say let's do a little more drilling where we already allow ourselves to drill, in the 15 percent, and those of us who will say let's give States the option to drill 50 miles offshore in the 85 percent of the Outer Continental Shelf, where we can't drill today. By most conservative estimates, that will create over time about a million barrels of oil a day. Some say that is not very much in the whole world, but I think of it this way: Every million barrels of oil we produce here at $130 a barrel is 1 million times $130 we are not sending over there to somebody else. If the third largest producer, the United States, adds 1 million barrels a day to its supply, that is a significant addition on the supply side. So it seems to me that our contribution, in terms of offshore drilling, both would reduce our dependence upon foreign oil, keeping money in this country, and make a contribution to the supply side, which helps bring down the price in the world.

Mr. CORNYN. Mr. President, the Senator from Tennessee said earlier if we were all to make the decision in 2010 to move to hybrid plug-in vehicles, it would take some time to replace the internal combustion cars in this country. Some said if we were to open up ANWR, the 2000-acre plot of land in a 19 million-acre frozen tundra in Alaska, or if we were to open up the Outer Continental Shelf, it would take years before the oil would flow into the pipeline.

I ask the Senator, if Congress were to send a message today that we were going to allow the development of as much as 3 million additional barrels of American oil a day, whether it is from the oil shale out West, or from ANWR, or from the Outer Continental Shelf, what in your view would be the message to the commodities traders who trade oil as a global commodity, and who buy and sell futures contracts for the delivery of oil? In your opinion, would that have a rather immediate impact on the price of oil and, thus, the price of gasoline?

Mr. ALEXANDER. The answer is yes. I appreciate the Senator's question very much. His figure of about 3 million barrels a day is realistic. He mentioned ANWR, the area in Alaska, which is actually the most readily available to us. The history on that is going back to 1980, when President Carter agreed that 17 million or so acres would be put in the Arctic Refuge and off limits to any sort of drilling, but that 1½ million could be drilled. When they were finished drilling, they would go into the refuge. So that has been in place for a long time. There is a pipeline there. Also, one well is there. So that oil would be coming quickly. There is infrastructure around many of the areas where we would do offshore drilling in the United States. But the answer is yes to the Senator's question. If the United States added 3 million barrels to our production, that would be more than a third of an increase in the production capacity of the third largest producer in the world. What if we heard that Saudi Arabia was going to increase production by a third? The effect on buyers and sellers of oil would be immediate. Martin Feldstein, a former chairman of President Reagan's Council of Economic Advisers, pointed out that today's price of oil depends upon the expected supply and demand of oil. So if we elect, as the U.S. Government, to say we are going to significantly increase our supply by a third, and we are going to reduce our use of oil by about a third, over time, from the day we announced that new energy policy, I believe it begins to stabilize and drive down the price of oil.

I see the Senator from Arizona here. The issue often comes up about what role speculation has in all of this. Of course, that is what buyers and sellers of oil do. They are guessing: Will the price go up or go down?

My view always has been that the way you deal with speculation is increase the supply or reduce the demand, because the expected future price, supply, and future demand affects today's price.

The Senator from Arizona is an expert on taxation and financial matters. I wonder what his view is on the effect of speculation on today's oil prices.

Mr. KYL. Mr. President, I will answer that question, but I will decline to take the position as an expert on financial matters. I will turn to a paper with which I don't always agree and yet it is one of the leading newspapers in the country. The New York Times editorialized on this issue yesterday. Therefore, I will perhaps answer by quoting about four sentences from this July 28, New York Times editorial, called ''Gas Price Follies.'' The bottom line is they agree with the Senator from Tennessee:

> Yet all evidence suggests that speculation has little to do with the rising price of crude. From rice to iron, commodity prices are all rising, even without much financial speculation, due to a variety of factors, including a weak dollar and growing demand from China and India.

They go on:

> A report by government agencies—including the Commodity Futures Trading Commission, the Federal Reserve and the Treasury and Energy Departments—found that speculative trades in oil contracts had little to no effect on the rise in prices over the last five years.

They concluded with this:

> Oil futures are financial contracts for future delivery of oil. Their price has been responding to the same factors: growing world demand in the face of stagnant supply and the expectation that this dynamic will continue.

So it is precisely the point the Senator from Tennessee was making. These buyers, investors on the market, look to see whether demand is going to be greater or less than supply. If it is going to be greater, the price is obviously going to go up. That is the bet they place when they buy futures contracts.

The best single thing we can do to respond to this and drive the price down is found on the chart of the Senator from Tennessee: find more and use less. The Times makes that point, by the

way. If we can reduce consumption, that will reduce demand, but, far and away, the biggest answer is to find American energy sources to solve the American energy crisis. We have a huge volume of both natural gas and crude oil right here in the United States, primarily off our shores, which is why both the Senator from Texas, the Senator from Tennessee, and I, and most of my colleagues here support more offshore drilling to expand the production of American energy to meet this crisis.

Mr. ALEXANDER. Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. There is 6 minutes 45 seconds.

Mr. ALEXANDER. If supply and demand is the major way to deal with speculation, I believe the Republican legislation, the Gas Price Reduction Act, has in it a couple of legislative suggestions for how we might appropriately deal with speculation, without interfering with supply and demand. The Senator from Texas helped to author that piece of legislation.

Mr. CORNYN. The Senator knows we tried to find a consensus or common ground we could hopefully agree upon and asked some of our friends on the other side to join us and, rather than talking about the issue, actually try to solve the problem. So we did include, as part of the ''find more, use less'' formulation a title on speculation, where we say there needs to be certainly transparency so we can see what is going on; and to the extent the Commodity Futures Trading Commission needs more cops on the beat, more resources to do their job, then we need to supply those analysts, investigators, and resources to be able to make sure abuses don't occur.

I remember when the Senator from Arizona was talking about this. Warren Buffett has been quoted recently as saying that speculation is not the problem. He agrees with the New York Times. He says it is a matter of supply and demand. T. Boone Pickens, my constituent, who has made quite a splash with his energy plans, said if all you are going to do is focus on speculation, that is a waste of time.

So we tried to come up with a commonsense approach to this and one that could develop a critical mass of bipartisan support. Until now, the majority leader, who controls the floor in the Senate, has decided not to allow us that opportunity. Yesterday—I agree with the Senator from Tennessee—it looked as though there was a little speck of light in the darkness; a little hope was there that the majority leader would perhaps modify his position.

I hope we don't leave here this week without doing something meaningful to bring down the price of gasoline. We are certainly willing to listen to the ideas our colleagues on the other side of the aisle have. I suspect that if they have the opportunity to vote, a number of them would agree with us. Maybe they would have ideas we would agree with, in an effort to build a bipartisan solution. We have to do something and, frankly, Congress has been part of the problem. We need to be part of the solution.

Mr. KYL. Would the Senator yield for a question?

Mr. ALEXANDER. Yes.

Mr. KYL. Would it be fair to characterize the Republican approach to this as, in effect, all of the above, and that we recognize there is a role to beef up the agency that deals with speculation and make sure they can do their job, and to provide as much new production as possible offshore or oil shale—anywhere we believe we can find that production—and that we also appreciate the fact that there is another side to this, not just transportation, which is energy production, electricity production. We are going to see our electricity costs go up and, clearly, nuclear power is a key factor in that, as well as, potentially, coal liquification or gasification. As part of all of these—the ''use less'' part, which is to try to eventually convert at least our automobiles to battery-powered vehicles—obviously, it would be more difficult to do that with jet planes and our shipping right now. But we could begin that process.

So the Republican view is literally all of the above—to have a balanced approach that recognizes there is no one single thing but that offshore drilling would be the best, most immediate way to increase our production. Would that be a fair characterization?

Mr. ALEXANDER. I thank the Senator from Arizona. That is a fair characterization. Unless we include new American sources of energy, our electric prices are going up, gasoline prices are going up, and our jobs are going overseas. We need both—to find more and use less—and we need to do it now. The $4 gasoline price we are suffering from today is the first recognition that in addition to losing less we have to use more new American energy. For us, that includes offshore drilling, oil shale, as well as plug-in cars and trucks.

Mr. CORNYN. May I ask the Senator from Tennessee and the Senator from Arizona one question. We passed a massive housing bill, a $158 billion economic stimulus package, because we are all concerned about the economy. Let's assume we are successful in dealing with those problems. Do you see the rising costs of gasoline and oil and energy as a big—or maybe even a bigger—threat ultimately to the economy, and that it might have the very direct effect of putting us into a bona fide recession?

Mr. KYL. Mr. President, if I may respond briefly, there was an article in the Wall Street Journal, I believe, yesterday. In any event, the point of the article was that while we may not have technically been in a recession, the definition of which is two quarters of negative economic growth consecutively, the reality is that because of inflation, primarily fueled by high fuel costs, which reflects itself in everything from higher food prices to higher transportation costs, which find their way into the products we buy—because of that inflationary pressure, the reality is that for most Americans, we are feeling the same effects as if we were in a recession, and at the heart of this is the energy problem.

If we could solve the energy problem in a balanced way, from electricity production, through nuclear power, and offshore drilling, and reducing our demand, that would affect our future economic health and every American family in this country.

Mr. ALEXANDER. We should work across party lines to find more American energy, use less, and that would bring down prices.

I thank the Senators from Arizona and Texas who yielded.

EXHIBIT 1

To: Alexander, Senator (Alexander)
Subject: Gas Prices

Hello My Name is Jason from Friendsville, TN. I am a Firefighter with the Blount County Fire Department. If you dont know we only have 1 man at 5 of our stations we have 7 stations and the rest of the time we depend on volunteers to respond to our emergency and help us, and for the full timers that is a great chunk of our yearly income is running calls on our day off. Because of gas prices our response to some of the emergencies has been very small we have been calling on other departments for help and that ties up their resources should they have an emergency in their jurisdiction. I know they say supply and demand but it is almost like a monopoly they can charge whatever and we have to pay. Someone has to go help put the fire out how much profit do you need to make to live comfortably. I am not sure but just because you say oil is up is no reason for you to raise prices to keep your income the same while ours greatly decreases. I heard our president say we have to stop our dependency on oil and then ! he gets on a jet a jumbo jet with some guide planes and flies all over the place to accomplish nothing but say they have us over a barrel and it is our fault, and then gets on that same jet and flies home to Texas for a day or two to help relieve the stress. I am not saying he has done a horrible job I just think he is failing us greatly in this regard. The gas prices are killng a family of 5 who lives off of a fireman's income and a wife's who does medical billing I am not sure how long I can drive across town to help someone when I can't help myself. The emergency would have to be in my back yard if this keeps up.

Subject: How Gas Prices Are Affecting Me

Dear Mr. Alexander, I will be happy to share my story . . . I'm a single mother of 1 child. I don't have a car payment . . . it's paid off. I drive a Honda Passport . . . small SUV. I live in Elizabethton and drive to Johnson City (25 miles one way) Monday thru Friday to work. It takes $65 a week now for my gas and that is only to and from work. (That's $260 a month) I don't have any credit card debt, or outstanding debt. I pay for my home and utilities. I am taking from my grocery money, that I have budgeted, to make up for the gas. AND I am buying my groceries now at the General Dollar Store. I can't afford meat . . . so we are living on Ramen noodles and the bare necessities. I bet nobody in Congress/Senate is having to do that! I am so disgusted with the economy

right now. I have always voted Republican . . . I don't know if I can vote that way anymore. I can't vote for Obama . . . I would have voted for Hillary, because at least when she was in the White House with Bill the first time . . . the economy was great! But now there is no one to vote for. I wish the nation would make a clean sweep and put everybody out of office because it's the ones that are in there now that have gotten us into this mess.

And another thing . . . if we sell or trade anything to those nuts over across the sea that are selling oil for $128 a barrel . . . then anything that we sell them should be the same price! I don't care if it's just one paperclip . . . it should be the same price.

This is ridiculous! I also think that because this country is in such a mess, NOBODY should be able to spend more than 10–12 years in office as a senator or congressman. That needs to change.

GINA,
Elizabethton, TN.

Subject: Gas Prices

Senator Alexander my family lives on a fixed income i am on disability and my wife is unable to work due to her health yet she has been turned down for her disability she is practically bed riden. these high gas prices affect the way we live dramatically we have to decide wether we buy gas to go to the doctor and then not be able to buy the medicine or wether we get to buy something to eat. this not right people should not have to live this way. i have 2 children also so you can imagine the delema this causes when the kids need something and you have to either tell them no because we have to have gas to go to the doctor or the store or medicine, i dont know how you think people on social security are supposed to make ends meet when the ends keep moving further apart. it is not right maybe you senators and congressmen in washington should come down to reality in my world and try to live on less than 2000.00 dollars a month my truck has not been near half a tank in so long it would probably quit running. thank you for your time. my name is William.

i would be surprised to hear from you. I would like to speak with you on this matter. By the way if there is anything you could do to help my wife with her disability i would greatly appreciate it it would help us greatly thank you

WILLIAM.

Subject: My Story

Gas prices are affecting me as a single Mom in more ways than one. Because I have to work, I have had to give up things such as prescription medications that I need monthly (no insurance coverage as of June 30th) and grocery items. My daughter and I cannot afford the luxury of leaving the house on most weekends, and if we do, it is only for necessary items. We cannot afford a simple outing such as a movie or a day trip. My vehicle was repossessed in December 2007 because I had not worked since January 2007 and I simply cannot afford to buy the gas to get to work. It is cyclical. I have to work to pay the bills, but cannot afford to get to work.

I have noticed that items at the grocery store have risen as well due to gas prices, so there are many things I simply cannot buy anymore. My daughter has had to sacrifice time with her friends because I have to save every extra penny to make sure I can get to my new job that may not work out because it is costing, at this moment, more than $200 a month in gas. When gas prices increase lately, it is usually .10 a gallon. My income has not increased so every month I get further into a black hole that I may not get out of and could possibly lose my home.

If there is not some type of relief soon, there won't be anything left to provide for my daughter.

TINA,
Nashville, TN

Subject: Impact of Gas Prices

Dear Senator Alexander, I am a 61-year-old grandmother struggling to support my mildly disabled daughter and a five-year-old granddaughter who live with me in Joelton, TN. Anna, the five-year-old, has been attending a public magnet Montessori school; she has been there for two years. The gas costs $115 per month just to take Anna to school. With gas prices so high, we are trying to figure out how to be able to buy food and basics and still be able to buy gas to get Anna to kindergarten.

I have no health or life insurance, because there is just not enough money to go around. I also have no retirement and no more savings left, and because of my daughter's illness, have accumulated a sizable debt.

I was a self-employed professional woman and did OK for most years of my life. I never imagined it would come to this level of difficulty. I'm really scared.

Thanks for asking.

JUDY
Joelton, TN

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the time controlled by the majority be divided as follows: 10 minutes for myself, 15 minutes for Senator BINGAMAN, and 5 minutes for Senator SCHUMER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY

Mr. NELSON of Florida. Mr. President, I came to speak about a personal tragedy in the lives of a Florida family. But I wish to say at the outset, here we go with all this talk about it is a certain way or the highway to solve this energy problem. As I said on the floor of the Senate a few days ago, if we had the political will where we could take a balanced approach of looking not only at now and drilling what is available, but look to the future for alternatives and renewables so that we wean ourselves from this dependence on specifically foreign oil, but also on our dependence for decades in the future on oil as the staple of our energy, realizing that if we continue to do that, we are just going to be digging a hole for ourselves maintaining dependence on oil as the No. 1 source of energy.

Don't we have enough evidence now that when you have to depend on upwards of 70 percent of foreign oil that is not a good economic posture as well as a defense posture for national security for this country?

Don't we have enough evidence now that the United States has only 3 percent of the world's oil reserves, and yet we consume 25 percent of the world's oil production? And is that not enough to get it through our skulls that the way of the future for this country is to cut that dependence on oil and go to alternative sources?

We are confronting on that side of the aisle, that is very cozy with big oil—they want to have it all their way and say, ''drill here, drill now,'' a simple slogan when, in fact, it is a lot more complicated today. Yet we cannot get agreement to do what all of us deep down understand is the commonsense thing to do, and that is bring a comprehensive measure in which we start doing a number of things at once, including pouring the money into research and development and financial incentives, such as tax incentives, to develop new sources, alternative fuels. That is the way to go. Yet we hear this high-blown rhetoric about ''drill here, drill now.''

It is with a heavy heart that I have to continue to say what I just said because all we are is wound around the axle in the Senate since we cannot get anything passed unless we have 60 votes. And if we cannot get the two sides to get along, we have what we have, which is gridlock.

TRIBUTE TO SAMUEL SNOW

Mr. NELSON of Florida. Mr. President, it is with a heavy heart that I come here to speak about an American, who was discriminated against and who lived a life of trying to overcome that discrimination and was not treated fairly by his Government, who unexpectedly died on Sunday. This is Samuel Snow from Leesburg, FL. I want to tell this story because I want people to be outraged, as this Senator is, at the way he was treated by the U.S. Government.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles: one from the Seattle Post-Intelligencer from November of 2007, as well as the St. Petersburg Times from July 28, 2008, after my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON of Florida. Mr. President, back in 1944, 27 African-American soldiers were convicted of rioting and lynching an Italian prisoner of war at Fort Walton, WA. Among those convicted was Sam Snow.

Following his conviction, he was imprisoned for almost a year, forced to forfeit his pay, and then when he was released from prison, he was discharged with a dishonorable discharge. Until recently, there was no hope of him receiving any kind of future health or retirement benefits from his admirable service during World War II.

Sunday, Sam Snow passed away, not in his home of Leesburg, FL, but in Seattle, WA, because he had gone there, traveling across the country, for a ceremony that the U.S. Army was doing to apologize and award Sam Snow with an honorable discharge because for more than 64 years, Sam Snow had endured this injustice—imprisoned, ordered to forfeit his pay, dishonorably discharged—and it was all

wrong. The U.S. Army never got around to changing things until an investigative reporter in Seattle suddenly uncovered this in a book he wrote a few years ago.

So the Army, last Saturday, was presenting Sam Snow with his honorable discharge. But he got to feeling bad. His son had to go and accept the honorable discharge for him. His son brought it back to him where he was feeling ill. He clutched it in his hands, and a few hours later he died.

After that dishonorable discharge 64 years ago, he returned to his hometown of Leesburg, FL, with a dishonorable discharge. He took a job as a janitor. He took on odd jobs. He even was a neighborhood handyman. Last year, when the Army overturned his and those other surviving veterans' convictions, they decided they were going to give him his backpay they had taken away from him when he was imprisoned for almost a year. Mr. President, do you know how much that was? It was $725, 1944 dollars.

When a bunch of us heard about it, we petitioned the Department of the Army.

I have come to this floor many times to quote President Lincoln, and I say it again for it is our obligation ''to care for him who shall have borne the battle—and for his widow, and his orphan.''

In May, the Armed Services Committee unanimously reported out the Fiscal Year 2009 National Defense Authorization Act which contains a provision to enable the service Secretaries to adjust forfeited pay for all servicemembers who suffer an injustice, such as Mr. Snow, which is later overturned and corrected.

It is with a heavy heart that I acknowledge Mr. Snow will not receive an interest-adjusted payment for his injustice. I am hopeful, however, that this body will soon take up the Defense authorization bill so Mr. Snow's family and others like them receive justice when there once was none.

Today I will ask the Secretary of the Army Pete Geren to use this authority to ensure that Mr. Snow's surviving wife Margaret and son Ray receive all benefits that are due to them.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. NELSON of Florida. Mr. President, I wish I could tell the story. I will do it later on and complete the story.

EXHIBIT 1

[From the Seattle Post-Intelligencer, Nov. 3, 2007]

HE STOOD TALL AFTER ARMY DEALT A BLOW

(By Robert L. Jamieson)

He's 83 years old and has a slight frame, shy of 5-foot-5.

The weight he carried for 63 years, after being railroaded by the Army for a Seattle crime he always said he didn't commit, would have destroyed a lesser man. But that's not the way of Sam Snow, whose story offers a road map for how to move on after a crushing blow.

Snow was a footnote to last week's news—the Army paved the way to overturn convictions of 28 black soldiers linked to a race riot and hanging of an Italian war prisoner at Fort Lawton in August 1944.

Snow was brought up on rioting charges even though he wasn't involved in the fracas.

After several months in lock-up, he was dishonorably discharged, which disqualified him from the GI Bill—and a chance at college.

He was just 19 at the time, and Seattle was the only big city Snow, from a small, Southern town, had visited. After his ouster from the Army, Snow was hurt and ashamed, derailed from the path of his own father, who served during World War I.

He returned to his segregated hometown of Leesburg, Fla., poverty staring him in the face.

But this is what Snow did next:

He got work as a janitor, rising at 4 a.m. every day.

He took on odd jobs working in orange groves or with livestock under a fiery sun.

In his spare time he became the neighborhood handyman and never turned down a request.

He married his sweetheart, Margaret, and they had two sons and a daughter.

He buried that daughter, just 17, after she lost her fight with lupus. He buried his mother after an illness—and his brother as well.

He took in his sister's son, who was mentally challenged and nurtured his potential.

He put his own sons through college on a blue-collar salary, and they went on to become teachers.

He built a home in Leesburg—and built his brother one in the lot behind.

He became a pillar of his African Methodist Episcopalian church, rising to become a lay president for the local district and galvanizing people to get humanitarian aid to the Third World.

As Snow went from teenager to father to grandfather, there was one thing he never did: Bad-mouth the Army.

He did the opposite, actually, encouraging his grandchildren to sign up, Ray Snow Jr., a grandson, told me with a chuckle.

''Yes, I felt I had been served an injustice,'' Sam Snow said when we caught up this week. ''But I decided I wasn't going to hold a grievance against nobody.''

He followed a life map of his own: ''Stay patient. Stay humble. Don't be boastful. Take care of your family. And God will make a way.''

He always told people God would find a way to shed truth on what happened long ago during his brief time in Seattle, where he was on a stopover before heading to war.

During the court-martial, he and the other soldiers had defense lawyers who weren't given enough time to interview them.

The prosecution, meanwhile, botched the identification of some men and held key documents the defense should have seen.

These—and other injustices in the case—would have been lost to history had Jack Hamann, a Seattle journalist, not written a powerful book, ''On American Soil,'' that moved Uncle Sam to take another look.

''Wouldn't have made it without Jack,'' Snow told me. ''He believed.''

As did another man—Howard Noyd of Bellevue.

Noyd, now 92, was one of just two defense lawyers who represented the original pool of more than 40 soldiers.

''We weren't given enough time even to interview all of the black defendants and do justice on their behalf,'' Noyd told me this week.

''We were not able to get the inspector general's report. The government was out to get the black troops punished in order to satisfy the Italian government.''

Last week, the Army said that military prosecutors had used questionable tactics that undermined a fair trial.

In addition, Hamann says in his book, the Italian POW was likely lynched by a prejudiced white military police officer.

For Snow, whose life was shaped by two places—Seattle, where fate struck in a bad way, and Leesburg, where he found his way—a gross injustice has been made right.

He never planned to stop living even after being so wronged. He always believed a beautiful life was right there for the making. Amen.

[From the St. Petersburg Times, July 28, 2008]

BURDEN LIFTED, WWII VET DIES

(By John Barry)

Samuel Snow got his father to help burn his dishonorable discharge papers. Snow kept the secret from everyone in Leesburg—even his own children. For six decades no one knew that in 1944 he was convicted in the largest Army courts-martial of World War II. He worked anonymously as a church janitor. ''No one wants to be a failure,'' he said.

The Army formally apologized Saturday for the life of invisibility it had inflicted on Samuel Snow for 64 years.

It came just in time. The 83-year-old former buck private fell ill the night before Saturday's ceremony in Seattle. He died hours after his son placed his freshly issued honorable discharge in his hands.

Snow was 19 when he was convicted. He had been in a Seattle Army camp called Fort Walton, due to be shipped out to New Guinea. A riot had erupted in the camp between black soldiers and a group of Italian prisoners of war. The next morning an Italian POW was found lynched. Forty-three black soldiers were prosecuted. Three were convicted of first-degree murder. Twenty-five, including Snow, were convicted of rioting.

It turned out they had been railroaded. A confidential Army investigation called the case a sham, lacking any physical evidence. A general's report speculated that an MP could have done the lynching.

That report lay buried at the National Archives until 2002, when a Seattle TV reporter named Jack Hamann found it and used it to write a book, On American Soil. When Hamann's book was published in 2005, Samuel Snow's secret was out.

Snow's youngest son, Ray, said the book answered questions that had always nagged him. His father was the hardest-working man Ray had ever known. He worked ''can't-see to can't-see,'' Ray said, meaning Dad left for work in the dark and came home in the dark. But he worked only small, odd jobs.

Dad was living a lie. He had gone into the Army hoping to be a mechanic. He had hoped to go to school on the GI Bill of Rights. He had wanted more than janitorial work. But he couldn't risk an employer checking into his background. He couldn't even tell his wife or his kids.

Snow was one of only two known surviving soldiers from the 64-year-old courts-martial. The other soldier, Roy L. Montgomery, is in poor health in Chicago. He did not attend the ceremonies.

Snow fell ill and was hospitalized in Seattle after a Friday dinner with his family, said Hamann and others who had helped with the case. Son Ray accepted the honorable discharge papers for him the next day. ''My father never held any animosity,'' Ray told the audience. ''He said, 'Son, God has been good to me. If I hold this in my heart, then I can't walk in forgiveness.' ''

Snow's family was en route home on Monday. A funeral is tentatively planned for Saturday in Leesburg.

Arrangements are pending for the only thing Snow had wanted from the Army besides an apology: a military sendoff, including an honor guard with spit-shined shoes, a three-volley gun salute, taps on the bugle, folded Stars and Stripes solemnly presented to his wife, Margaret.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

ENERGY

Mr. BINGAMAN. Mr. President, I wish to talk about the two different energy packages we are debating in the Senate this week because there are two. There is not just the one that the Senator from Tennessee, the Senator from Texas, and the Senator from Arizona were talking about earlier. There are two, and I think we need to focus on both.

First, with regard to the effort to lift the moratorium on offshore drilling, let me make one correction on the record.

It is being repeatedly said by our Republican friends that 85 percent of the Outer Continental Shelf is off-limits to drilling or off-limits to any kind of leasing. That is not true. The reality is very different. The reality is what this chart demonstrates; that is, that 67 percent of the Outer Continental Shelf today is available for leasing.

The reason they say it is only 15 percent is because they do not count Alaska, but Alaska is part of the United States. The area around Alaska has an Outer Continental Shelf, just like the rest of the country has an Outer Continental Shelf.

It is clear when we look at it that there is a lot of potential in the Outer Continent Shelf around Alaska. In fact, the Department of the Interior has two lease sales scheduled for next year in the Outer Continental Shelf in Alaska. The Department of the Interior has 16 lease sales scheduled in the next 4 years in the Outer Continental Shelf. This month, in August, they have a lease sale in the Gulf of Mexico. There is a whole series of lease sales coming up, both in Alaska and in the Gulf of Mexico, in areas that are available for leasing.

So the constant refrain that we hear that 85 percent of the Outer Continental Shelf is not available for leasing is just not true, and I wanted to correct the record in that regard. If anybody wants to dispute that, I urge them to come to the floor and tell me I am wrong. But I am not wrong. These are figures from the Minerals Management Service. They are the ones in charge of the leasing, and they confirmed these figures.

Now let me talk about the other energy-related package which is before us today. Tomorrow the majority leader has announced that we are going to vote on a motion to invoke cloture on the motion to proceed to what is called the enhanced tax extenders package. I think the better title for this would be the energy production and conservation tax package. But let me describe what is in this legislation.

This is a very important piece of legislation, and I strongly believe we need to proceed to it, then pass it, and send it back to the House.

With regard to energy, the package includes tax incentives that are essential to this country if we are going to decrease our dependence on foreign oil.

It promotes renewable alternatives to foreign oil. Among these provisions is the production tax credit. The production tax credit is available for people who put in wind farms.

We have all seen T. Boone Pickens' advertisements on television. He is talking about the production tax credit. He was before our Energy Committee 3 weeks ago, and he has testified that he favors extending the production tax credit. That is what is in this legislation.

It also contains a key 8-year extension of the solar energy and fuel cell investment tax credit. This gives companies the certainty they need to make additional capital investments in U.S. solar facilities while enabling businesses to adopt technologies that can significantly benefit our environment.

It includes a long-term extension of the residential energy efficient property credit through 2016. It allows the cap for that to go from $2,000 up to $4,000.

It authorizes $2 billion in new clean renewable energy bonds to finance facilities that generate electricity from renewable sources.

In the more immediate term, it establishes a new credit for plug-in electric-drive vehicles. I have heard a lot of discussion by our Republican colleagues about how much they favor electric plug-in hybrid vehicles. This legislation actually will do something to promote the development of those vehicles. It is a new credit starting at $3,000 and increasing for each kilowatt hour of additional battery capacity.

It incentivizes commercial vehicle owners, particularly trucks, to invest in idling-reduction units, such as auxiliary-power units and advanced insulation so as to reduce their demand for more fuel.

It extends credits for energy-efficient improvements in existing homes and in commercial buildings.

In addition to all these energy-related tax provisions, which I think are extremely important for us to enact—and let me say, essentially all of the existing provisions I am talking about that we are trying to extend are scheduled to expire at the end of this year, at the end of December. We need to extend them so people can make investments this fall knowing there is still going to be that tax provision in law come next year.

But in addition to these energy production and conservation provisions, American businesses generally have a great deal at stake in this legislation. The legislation extends the research and development tax credit. This is extremely important to high-technology firms in our country. It accelerates appreciation for qualified leasehold restaurant and retail improvements. This is small business. Small businesses around this country need this provision extended.

It extends an important international tax provision for businesses that engage in active financing.

Individual families have a tremendous amount at stake in this legislation. First of all, this legislation contains the so-called patch for the alternative minimum tax. What that means is that there are literally millions of Americans who will be able to avoid having to calculate and pay taxes under the alternative minimum tax if we enact this legislation. If we do not, then they have to go ahead and do that. So this is very important.

It extends the child tax credit. I have heard candidates for President talk about how much they favor the child tax credit. Well, this extends the child tax credit and provides a tax credit of up to $1,000 per child to help working poor families.

It extends the qualified tuition deduction for higher education expenses—people who have children in university or college who want to have those tuition expenses deducted.

It enables retirees to continue making tax-free IRA rollovers to qualified charitable organizations.

Mr. President, there is another provision that has been inserted by the chairman of the Finance Committee that I think is very important, and that is the provision we call the Secure Rural Schools and Payments in Lieu of Taxes legislation. Three-quarters of the Senate voted for this legislation when it came up before.

We have schools around this country in rural areas that are laying off teachers today because we have not been able to reauthorize the Secure Rural Schools Program. This package will provide $3.8 billion to some 2,000 county governments in 49 States to increase support for schools and roads and other critical needs.

There is a lot in this legislation that is extremely important, so the obvious question is, Well, why can't we just pass it? Who is objecting? Well, when you try to analyze that question, you get to the issue of offsets. Everyone says they favor the provisions I just described, but they say—particularly on the Republican side—well, we don't agree with the offsets. Let me take a few minutes to describe the different—the variety and flavor of the objections we have heard with regard to offsets.

First of all, let me say that this is not a new piece of legislation before the Senate. This legislation came up in June of 2007. We were not able to pass it. It came up in December of 2007. We were not able to pass it. It came up again in 2008 and passed with a large margin because, frankly, there were no offsets in that legislation, which was the Republican preference. It came up

with offsets again in June, on June 10 of this year, and again June 17 of this year, and both times it failed. So let me talk about this offset issue. I think that is the core of the problem.

The rhetoric on the Republican side has been varied. Some Senators have said it is wrong to offset temporary extensions of current law with permanent tax increases. Now, obviously, the fact that all of this is adding to the deficit—if we don't offset, it all adds to the deficit—doesn't seem to concern people. But somehow or other, there is something about permanent and temporary that is out of sync and objectionable to some people.

As I understand it, the bill that Senator BAUCUS has now filed and that we are going to vote on tomorrow addresses this concern. It sunsets the extender offsets at the end of the budget window and thereby makes sure they are not permanent offsets.

A second argument on offsets we have heard from some Republican Members is that they will not accept paying for new tax provisions with offsets, but they will not agree to pay for extensions of current law with offsets. To me, this is something of a peculiar argument. Offsets of existing tax law would be acceptable provided that the offsets were in the nature of a nondefense discretionary spending cut. But if you are trying to offset with additional revenue, it is not acceptable.

I know this is getting obtuse, but frankly it is getting difficult to sort through all the rationale that has been put forward for opposing the legislation.

A third argument is that some Members say they are opposed to any and all offsets. To include offsets, they say, is tantamount to raising taxes on someone in exchange for cutting taxes on someone else, so that nothing should be offset.

I would hope Members paid attention to the news from yesterday. The news from yesterday was that we are, in fiscal year 2009, going to have a budget deficit, estimated by this administration—this is not a Democratic estimate, this is the Bush administration saying that the new administration will come into office with a deficit of $482 billion, the highest on record. Our debt will climb by over $800 billion this 1 year to more than $10 trillion when this President leaves office. I would think that information would concentrate people's minds on whether we ought to offset some of these tax provisions, and clearly, it seems to me, we should.

I think the truth is that the concern on the Republican side about offsets is really driven by a different factor, and let me just describe that because I don't think we have had enough discussion of it here on the floor as yet.

There are many on the Republican side who are concerned that if they agree to offsets for this package we are voting on tomorrow, this would set a dangerous precedent when the 2001 and 2003 tax cuts, the so-called Bush tax cuts, are scheduled to expire at the end of 2010. So they say: If we agree to offsets here, then someone is going to say we ought to have offsets there, and clearly that is not going to be a good position to be in. I would just say that offsetting the current package will cost up to $55 billion. In contrast, the Congressional Budget Office says that extending the 2001 and 2003 tax cuts—the Bush tax cuts—and adding an AMT patch is going to cost a little over $4 trillion. So we need to focus on the challenges before us, not think hypothetically about how a future tax cut may be handled.

Some of our Republican colleagues have pointed to other provisions in the legislation that they find objectionable. I know some of them have said there was a provision in here that allowed trial lawyers to deduct certain expenses. That has been stripped out. Some have said there is a provision to require the Davis-Bacon Act. But the last extenders bill, as well as the one before us today, includes no such provision.

I also wish to reiterate my sincere disappointment with the administration. President Bush has previously committed to the energy tax incentives in this bill, which were enacted by the Energy Policy Act of 2005. When he visited my home State of New Mexico to sign the act, the President praised that bill for recognizing ''that America is the world's leader in technology and that we've got to use technology to be the world's leader in energy conservation.'' But while some of us in Congress have been working to ensure that America maintains this leadership role, the administration has been absent. I must question the sincerity of the President's commitment to energy security when he sits by idly and allows these provisions to lapse.

It is time for Republicans to stop moving the goal posts. It is time to address America's pressing challenges and it is time to acknowledge the dire fiscal budgetary situation in which we find ourselves, and not to dig the hole even deeper. It is time to pass the extenders package before we leave this week.

The ACTING PRESIDENT pro tempore. The Senator has used his 15 minutes.

Mr. BINGAMAN. Mr. President, let me conclude by saying that I believe it is extremely important for us to go ahead and proceed to and pass this tax extender package, and I hope colleagues will support that.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President I rise in support of the comments of my colleague from New Mexico, who has done an excellent job, along with the Senator from Montana, in putting this together.

We have heard a lot of talk on the floor about drilling. That has gotten a lot of the heat, but the light is right here with the extenders. I say to my colleagues, these tax extenders, which are focused on energy alternatives, are far more important to reducing gas prices than drilling. Whether you are for drilling or against it, we all know you cannot drill your way out of this problem; that just by drilling, by focusing on drilling, we are telling both Saudi Arabia and ExxonMobil that they are going to continue to control our destiny for decades to come. And look what that has brought us to now—$4-a-gallon gasoline.

The only solution is to wean ourselves from oil and, to a lesser extent, natural gas and to move to alternatives such as wind and solar for electricity, and battery-powered cars, electric cars, and gas-powered cars to deal with automobiles, and other kinds of efficiency-enhancing measures. If we ever want to be free of big oil, this is the place to go.

So for all the speeches we are hearing from the other side about drilling, which won't bring any more oil for 7 to 10 years—and, of course, we are for a plan of increasing our domestic production and drilling that is more efficient and quicker, but no amount of drilling is going to solve our problem.

We know why they want drilling. Big oil wants drilling. Well, I say that the American people don't want ExxonMobil or OPEC or Saudi Arabia controlling our destiny any longer because that brought us $4-a-gallon gasoline. We want alternatives. We want a car that can run by electricity—just as powerful, just as long a ride, just as smooth, if not a smoother ride, than gasoline-driven cars and a heck of a lot cheaper. We want our homes powered—heated and cooled—by wind power and solar power and biomass and so many of the other alternatives—cellulosic ethanol—and this bill takes the first large step to doing that. The tax extender bill will increase focus on solar.

Talk to the people who do these alternatives. They say that unless we extend the tax cuts, particularly for a longer period of time, they cannot make an investment. Germany is way ahead of us in this area, as is France, and China is leaping ahead of us in this area, and all because my colleagues don't want to close some tax loopholes primarily dealing with people who put their money overseas and defer their taxes, which no American should have the right to do.

So I say to my colleagues, you want to bring down gasoline prices? You want to bring down the cost of home heating oil? The best thing to do is move this extender package. It is far better than drilling—whatever your view on drilling. Let's see what happens when we vote on these proposals this afternoon and tomorrow. All the talk about $4-a-gallon gasoline—less important than defending those who hide their money overseas and won't pay taxes. That is what the votes are going to show here.

This bill is a vital bill. This bill has so many good provisions in it that will wean us from oil.

I say to my colleagues once again, we know we cannot drill our way out of the problem. We have twiddled our thumbs for 7 years. It is about time we started giving the tax incentives to alternative energy and freeing our country of OPEC, of Saudi Arabia, of ExxonMobil, and of $4 gasoline.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, again, I express the concern that we as Republicans are labeled as the party that only chooses to drill, drill, drill our way out of high energy prices. Our colleagues on the other side of the aisle are viewed as the party that is saying no to any domestic production, no to providing for more energy independence when it comes to what we can do for ourselves, and whose answer is only: Stop the speculation; the answer is only renewables.

I come from a producing State. Alaska has been doing a fine job over the past 30 years, providing oil to the rest of the country and providing it in quantities that truly make a difference. We want to be able to continue to provide it. But we recognize that drilling is not the only answer. It is not the only thing that is going to get this country to a position where we are not going to be held hostage by the geopolitical events in Nigeria, in Venezuela, in Iran.

We have to be doing more. The answer is a little bit of everything. It is to find more and use less. When we are talking about finding more, we have to be realistic about where we can find more and it should not be in Saudi Arabia's backyard. It should not be in Venezuela. What we can do here we should be doing here.

When we say we need to have an energy policy in this country that encourages production and encourages investment for production and discourages consumption, that is what we need to be working toward, Republicans and Democrats alike, not just this finger pointing, saying all you want to do is drill and us, on this other side, saying all you want to do is nothing. We are not answering the problems our constituents are facing back home right now. We are not delivering to them what they need, which is answers.

I want to talk a little bit about the situation in my State. The chairman of the Energy Committee, for whom I have such respect, has indicated that in the proposal he is advancing he is looking to do more when it comes to offshore exploration and development in Alaska. As I said, we are a State that supports production. We support development in the northern country. But we also recognize that oftentimes things are out of our control when it comes to the ability to produce.

I requested from the Department of Interior, the Minerals Management Offices, MMS, the summary status of what is happening with the litigation that is blocking us from doing any meaningful production when it comes to offshore Alaska, Alaska OCS. There is a total of six litigation cases that are filed against MMS affecting the Alaska OCS. I can provide the details, certainly, but I think what I would like to highlight is—whether it is the 5-year leasing program lawsuit that has been filed by the Center for Biologic Diversity, the Chukchi Sea sale 193 lawsuit, the Beaufort Sea sale 202 lawsuit; the Shell exploration plan lawsuit—Shell's operations have been held up for two seasons now because the ninth circuit has not moved on a decision there—we have a Beaufort and Chukchi Sea seismic survey lawsuit. Other MMS litigation is an FOIA lawsuit related to the Chukchi Sea sale, the Fish and Wildlife Service incidental take regulations, Beaufort Sea as well as Chukchi Sea notices of intent to sue for violations of endangered species as they relate to polar bear, fin and humpback whales, and eiders—my point is we do have opportunities up north. We do have a resource that is incredible. We recognize it. Again, we would like the ability to be producers for the Nation. It is not just the challenges we face dealing with an Arctic environment. So much of what happens that causes delays so that we do not see increased production domestically in this country is due to the litigation.

I want to speak a little bit about not necessarily the challenges but the opportunities that we have in the northern environment specifically to produce, and the opportunities that are brought to us because of the technology. Some in this body have suggested that drilling is not the way out and drilling indicates we are guilty of an old way of thinking about energy issues. I think it is probably more accurate to say those who oppose the production of conventional oil and gas in this country as part of a balanced energy policy that includes renewables and includes conservation are the ones who are guilty of old, outdated thinking. It is clear that those who oppose increased domestic production are utterly resistant to the technological changes that have occurred both onshore and offshore in gas production in the past 40 years in this country.

Some people say we are mired in the past. I think that is because they refuse to either learn about or to accept the changes in technology that allow for oil and gas to be produced without harm to the environment, wildlife, or to the land. We recognize there can be accidents. We know that firsthand in Alaska. We live daily with that. In fact, I spoke with a fisherman in Cordova—that whole community is still living daily with a terrible accident that happened in our State some 20 years ago. We know an oil barge can hit an oil tanker, as we have seen in Mississippi. But so can pollutants be accidentally released while companies make photovoltaic cells; or chemicals used to make batteries for hybrid and electric cars can accidentally spill and harm the environment. An offshore wind turbine foundation might harm fisheries habitats. A windmill on shore might kill birds. Methane gas might explode. An accident can happen. But why not look at the real impacts of modern technology and the real risks that modern technology involve?

I will use my example of what is happening up north with oil exploration. During the past 31 years, the Prudhoe Bay oil field has produced 15 billion barrels of oil. This is about one-fifth of all the oil that this country has produced over the last three decades. During that 31-year time period I can tell you the technology has vastly improved. When Prudhoe opened, wells were drilled over the top of the oil deposits themselves. The wells were about every several hundred yards. Today, hundreds of wells can be drilled from a single well pad and they do this through the technique of directional drilling. That allows the companies to drive wells from one tiny gravel pad that can reach oil deposits under the surface up to an area 8 miles in diameter. That leaves more than a 100-square-mile area of habitat undisturbed between these well pads. These well pads have decreased in size by 88 percent during the life of the Prudhoe Bay field.

In addition to directional drilling, we have the 3–D and even 4–D seismic testing. This pinpoints the location of the wells, technology that doesn't harm any animals in the process.

Once the companies find the areas they want to explore, they build ice roads to move drilling equipment to the site, roads that melt in the spring leaving no trace, no sign of human activities come summer. I stood on this floor. I told you how it works. It is like a Zamboni going across the tundra. In addition, we place mats—they call them duramats—on the ground to protect the fragile tundra to make sure the wheel tracks are nowhere to be seen when the spring arrives in the Arctic.

The new technology goes on. New detection systems on pipelines can sniff out the hydrocarbon molecules and actually shut down a pipeline before drops of oil can reach the environment. It includes requirements that all equipment when they are stopped—up north in Prudhoe, all those areas there—all equipment, whether it is the truck or the rig, when they are stopped they actually place what are called diapers, absorbent pads, under the engine to catch any drops of oil before they touch the ground. More oil probably leaks on the driveways here in Washington, DC than ever reaches the environment of Alaska's North Slope.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Ms. MURKOWSKI. I want to sum up very briefly. I am talking about onshore, but I can tell you, as it relates

to OCS development, we are seeing those same levels of technology. Well valves are dependable. We have not had a well blow out since the Santa Barbara accident in 1969. We recognize that our technology allows us to do more than 30 years we could ever have dreamed about. Let's allow us to use our ingenuity to produce so we have the resource we need as a country. Let us use our ingenuity to take this resource and to develop the renewables and the alternatives that are the future of this country. Let's use our ingenuity to be more creative when it comes to conservation and efficiencies. The ingenuity we use with our production of oil and gas is something that should not be disputed but should be encouraged.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, I ask unanimous consent the time in morning business until 12:30 be divided equally between the two leaders or their designees and the time consumed by Senator MURKOWSKI count toward the time in this agreement. I ask the following Senators on the Democratic side be recognized: DORGAN, 15 minutes; DURBIN, 10 minutes; BAUCUS, 12 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY

Mr. DORGAN. Mr. President, this has been an interesting morning to watch the Senate debate. It reminds me a bit that the strongest muscle in the body is the tongue. Debate that I have heard this morning is quite extraordinary. We have people come to the floor of the Senate, and they say that something like 85 percent of the Outer Continental Shelf is not open and available for leasing and drilling. That is not true. Two-thirds is open and available for the Minerals Management Service to lease.

I want to talk a little about where we are with respect to this issue of production. I have seen the big old sign that my Republican colleagues have been using. It says: Produce more and use less.

We will have a chance again today to decide whether members actually want to produce more. Some people believe the only way you produce energy is drill a hole someplace and search for oil and gas. I support that. But another way to produce energy is to produce homegrown energy from solar, wind, biomass or geothermal sources—another homegrown energy plan.

We have had a chance for at least six separate times to vote to extend the tax credits to support renewable forms of energy to produce more energy. Six times we have been stymied. I will talk about that a bit in a moment.

The first car I got as a very young man was a 1924 Model-T Ford I bought for $25 and lovingly restored it for 2 years. I have described this often.

I discovered as a young boy that you couldn't date very well in a 1924 Ford. So I sold my model T. But it was interesting restoring an old Model T Ford. I understood that you put gasoline in a 1924 vehicle the same way you put gasoline in a 2008 vehicle. Nothing has fundamentally changed. You to go a gas pump someplace, stick a nozzle in your tank, start pumping and then pay the price. It is drive and drill approach. It has been that strategy forever. Some of my colleagues come to the floor of the Senate dragging a wagon of the same old drive-and-drill policies. Keep driving and drilling, and things will be fine. The problem is the hole gets deeper every single year. They come here once a decade and say: Our strategy is to drill more.

I support drilling for oil, but I also think we ought to do a lot more than that. We ought to have a game-changing plan, some sort of a moonshot plan that says: Ten years from now we need to have a different approach to energy. John F. Kennedy didn't say: I think we will try to go to the Moon. I would like to send a person to the Moon. I hope we can go to the Moon. He said: By the end of this decade, we will send a person to the Moon. We will have a person walking on the Moon.

That is what this debate ought to be about. In the next 10 years, here is the way we are going to change America's energy plan. That ought to be the debate.

There are a lot of things we can and should do together. There are far too few things we are engaging in together on the floor of the Senate. We had a energy future speculation bill defeated, or at least the minority that puts up the sign that says produce more and use less voted in unison to stop movement of it. We had a bill on the floor that said: Let's get rid of excessive speculation in the futures market that is driving up prices. We had people who testified before our various committees who said as much as 30 to 40 percent of the current price of gas and oil is due to excess speculation. In 2000, 37 percent of the oil market was speculators. Now it is 71 percent. It is unbelievable how rampant speculation has become in the oil futures market. But the oil speculators have a lot of friends here, enough friends so they could stop that kind of legislation that would put the brakes on some of this speculation and put some downward pressure on prices. The oil speculators have a lot of friends here.

Big oil companies have a lot of friends here. With record profits, the largest oil company, ExxonMobil, spent twice as much money last year buying back their stock as they did in investing in infrastructure for producing more oil. Let me say that again. The biggest oil company in the world spent twice as much money buying back its stock as it did exploring for more oil. We are paying at the pump enormous prices so one would hope at least a substantial portion of that money would go back into the ground to find more energy resources. But sadly it is not.

Again, these Big Oil companies have plenty of friends in this Chamber. They view their role as a set of human brake pads to stop whatever is going on. They don't support anything. Just make sure you stop things.

Let me describe one of the things that makes so much sense to me that has been stopped dead in its tracks. It was stopped last year on June 21, 2007. It was stopped December 7, 2007. It was stopped December 13, 2007. They stopped it on February 7, 2008. What is it? It is our ability, as a country, to change the game and say: We want to encourage production by taking energy from the wind, solar, wave, and other forms of renewable energy. We had a vote on all those occasions to provide tax credits and stimulus to say: Here is the kind of energy we want to produce in the future. This is a new energy future. On each and every occasion, the minority that comes to parade with a big, old sign calling for producing more, on each occasion those who hold up that sign today voted against producing more. Isn't that interesting? They voted against producing more.

Let me tell you what we did in this country with respect to energy. In 1916, we put in place long-term, permanent, robust tax incentives to say to people: If you want to explore for oil and gas, God bless you because we need it. We want to provide big incentives for you to do it. Almost a century ago we put in place those tax incentives. That is how much we wanted to encourage people to find oil and gas. Contrast that with what we did to encourage people to wean ourselves off the need for fossil fuels. At least 60 to 65 percent of that oil comes from off our shores.

In 1992, we put in place a tax credit for renewable energy, a production tax credit which was short term and not particularly robust. We extended it five times. We let it expire three times. We have had a stop-and-start, stutter step approach.

Look at this chart. Here is what has happened. This shows you what has happened to wind energy. When the credit expires, the investment goes to zero. Put the credit is extended, the investment goes up. When the credit expires, the investment drops off. It is unbelievable, what a pathetic, anemic response by a country. So we have a piece of legislation that says: Let's extend the wind energy tax credit. Let's extend the tax credit that takes energy from the Sun. Let's produce energy from the wind and the Sun and geothermal and so many other forms of renewable energy. The minority side says no. They don't want to do that. On June 21, 2007, we failed to get cloture by one vote. A large portion of the minority side said no. The same ones who

are holding the sign that says produce more said: We don't want to produce more. On December 7, the same folks who hold the sign said: No, we don't want to produce more. December 13, they still said: No, we are not interested in producing more. February 7 of this year: We still are not interested in producing more.

But during the last week or so, they show a big, old, oily chart on the Senate floor that says produce more, use less. Well, perhaps we will have a chance to vote once again. Then the question is, Is their policy just drill a hole, which is a yesterday forever strategy, or is their policy a game-changing policy to join us and say: Let's do something different for a change.

Given the circumstances we have, those who decide it is in their interest to block everything, should rethink that plan. I have said often, Mark Twain was once asked to engage a debate. He said: Yes, as long as I can have the negative side. They said: But, Mr. Twain, we haven't even told you the subject. He said: It doesn't matter. The subject doesn't matter. The negative side will take no preparation. So it is on the floor of the Senate. Coming out here simply to block everything and then hold a sign that says: We support producing more. That takes no preparation. It takes a little bit of gall, I might say, but it certainly takes no preparation.

The question is this: Should we do everything? You bet your life. We should drill more, in my judgment, and there is two-thirds of the Outer Continental Shelf that is open for leasing and drilling. I support that. We ought to conserve more too. We are prodigious wasters of energy. We ought to have much more energy efficiency for every single thing we do. Everything that is turned on from a switch that we flick on or off should be examined. So produce and conserve, and most importantly have a game-changing plan to say: We want renewables in this country.

T. Boone Pickens was in town last week. He was like a big old boat coming through, leaving a big wake in the background of the boat. He said: You can't drill your way out of this problem. What we need to do is wind from Texas to North Dakota, in the area where we have all this wind energy potential. We need to develop more solar in the Southwest, where we have a tremendous capability. We need to produce that way and develop an interstate grid system for transmitting energy all around the country, just as we did with the interstate highway system.

That makes a lot of sense to me. But we can't do that with the pathetic approach that exists on providing incentives to renewables. As I indicated, we put in place permanent, robust incentives for looking for oil and gas in 1916. We have these short-term incentives, and we can't get them passed. Because on occasion after occasion, time after time, the folks who now come and hold a sign that says produce more said: No, I will not vote to produce more. When it comes to renewable energy, I am going to vote to stop it.

We can get oil from the ground. I understand that, but we can also produce biofuels from a whole series of feedstocks. We are using a lot of corn. But the bill we have tried to get passed has a significant tax incentive for the cost of facilities that produce cellulosic biofuels. Does that make sense? You bet your life it does. That is production for America. If you say you are for production, don't hold up a sign. Just vote for this legislation. Then you will really be for production. The new credits for qualified plug-in electric drive vehicles, how important is that? It is unbelievably important for us to convert from the internal combustion engine to an electric drive vehicle and then, eventually, to hydrogen fuel cell vehicles. That is game changing. But the legislation in which this occurred, that is legislation the minority that has been holding the signs all morning opposed.

All I say is this: You want to do a lot of everything. Let's do a lot of everything. Let's advance America's energy future. We go to Saudi Arabia, Iraq, Venezuela, or Kuwait and say: In order for America's economy to run, we need a large portion of our oil and gas from you, you need to provide that to us. It impacts so many other parts of our country that we can't possibly control.

Should we continue down this road? I don't think so. It is a disappointment to me that it is toward the end of July, and we still have this kind of discussion on the floor of the Senate. We should have had 100 Senators in support of legislation to shut down this unbelievable speculation that is going on. I understand oil speculators have a lot of friends here now. They have a lot of friends in this Chamber, enough to have stopped this oil speculation legislation last week. We ought to have 100 votes for people who say we are going to support homegrown energy. We are going to support big, aggressive tax incentives to produce energy here at home, and that includes wind, solar, geothermal and biomass, and we are going to change the game. Ten years from now, America is going to have a different energy future. Instead, we got the ''yesterday forever'' crowd who comes to the Chamber and slouches around with their hands in their pockets and says: We always liked what we did, and we want to do it some more. Then, 10 or 15 years from now, the same crowd will be back saying the same thing. They will say no to anything that will change the ground, and yes to anything that continues this unbelievable dependence.

My hope is we can find a way, perhaps, to join together and decide we ought to produce more in a smart way. We ought to be much less reliant on foreign energy, on the need for oil from overseas. We ought to be much more vigilant on aggressive conservation and energy efficiency measures. This Congress in particular ought to decide that it is finally, at long last, going to vote to produce energy in a good way. That is, to produce homegrown energy from wind, solar and so many other sources of renewable energy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator the assistant minority leader.

Mr. DURBIN. Mr. President, I thank my colleague from North Dakota, who has come to the floor almost every day to talk about the energy crisis. But if the American people had their choice, all of us would be talking about it every day of the week. It takes anywhere from an hour to 2 hours to go from downtown Chicago out to O'Hare. I have made the trip a lot. But recently, the fellow who was driving me said: I have noticed something strange. Even during rush hour, there are fewer cars out here. I know a lot of people are on vacation, but something is changing.

I have noticed it all over my State, and I think people are noticing it all over the country. What is changing is people are looking at gasoline that costs $4.50 or $4.30 a gallon and saying: I will drive less. I am going to look for a car or truck that is more fuel efficient. People are understanding in their daily lives that things are changing, not always for the better, because as the price of oil goes up and the price of gasoline goes up, we may make energy-conserving decisions, but some of those are forced on us. Some of those are painful, painful when we pay for the gasoline each week and painful when people find their family budgets wrecked by the cost of gasoline.

They are not alone. The major airline companies have now announced dramatic cutbacks in scheduling and in employees. They can't keep up. The price of jet fuel has gone through the roof. I have met with the CEOs of these companies. The stories they tell are very sad. They can't afford to fly people anymore. They can't charge enough. They can't make enough. They are charging us now for everything in sight, $15, $20, $50 for a second bag they check, trying to keep the airlines afloat. And some of them will fail, I am afraid, unless something dramatic happens.

So it is no surprise that on the floor of this Senate we have talked a lot about this energy issue. There are two distinct points of view, and I think they tell the difference between outlook. Senator DORGAN of North Dakota talked about ''yesterday forever.'' On the Republican side, their idea is to drill more oil, keep drilling, keep finding more oil. Sadly, they have ignored the reality.

The reality is this: If you take a look at all the oil reserves in the world, the United States has 2 percent of the world's oil reserves. Ninety-eight percent, of course, is in countries such as

Saudi Arabia, Iraq, and Canada. We have 2 percent of the oil reserves.

The oil consumption by the United States? We consume 24 percent of the oil. In other words, we cannot drill our way out of this. We cannot find enough oil here to sustain the American economy. If you are going to be honest—and you should be with the American people—if we made a decision tomorrow to start drilling in any specific spot, for instance, off the coast of the United States, it takes literally years for that to happen, for it to go into production, and to deliver the oil to the United States. Estimates are 8 to 14 years.

So coming to the floor and saying: Drill more, drill now—well, the reality is, ''drill now'' means drill in 8 to 14 years. That is going to have little impact on current gasoline prices, no matter what we think. That is the reality. The question, obviously, is: Are there places we should go to drill? Well, of course there are. The United States is in control of its sovereign territory as a nation, and its offshore territory as well. The Federal Government owns many public lands, and some of those are used for ski resorts and national parks and mining.

Some are used for oil and gas exploration. We say to the companies: If you would like to drill more oil and gas on our land, the Federal land, pay us a lease, pay us a rental, and we will allow you to do so. The oil and gas companies gobble up this territory. In fact, 68 million acres of Federal land are currently under lease to oil and gas companies for that purpose: to drill for oil.

What are they doing with those 68 million acres? Well, it turns out a lot of them are not being utilized. This is a little map of the Western part of the United States I have in the Chamber. The land you see in red is Federal land leased to oil and gas companies not in production. When the Republicans say we have to put more acres out there for them to drill, the fact is, they are paying us to lease acres they are not touching. I do not know what the explanation might be, but of those onshore, 34.5 million acres have been leased from the Federal Government and go untouched.

It is just not onshore. If we think the mother lode is offshore, as shown on this other map, these are acres we have leased in the Gulf of Mexico, and all those in red are currently untouched—leased, so the oil and gas companies believe there is oil or gas there but untouched.

So to argue there is not enough acreage for us to go searching for oil, there is some 68 million acres of leased Federal land to oil companies, and zero of those acres in production onshore and offshore.

We recently had a lease to offer 115 million more acres of Federal land available to these companies for lease for oil and gas purposes. This was in the last year—since January, I should say, of 2007. Mr. President, 115 million acres were offered.

What does 115 million acres of land that the Federal Government owns and will lease to oil and gas companies represent? This is the path, as shown on this map, of Interstate 80, which most of us know. It goes from New Jersey all the way to California. This represents a 67-mile-wide swath along I–80. That is the size of the acreage we have offered to the oil and gas companies to drill on for oil and gas. Of that, they have accepted 12 million acres they bid on. Another 103 million acres have gone unclaimed by these oil and gas companies. So it is not as if there is not land available. There is—a lot of it—millions and millions of acres made available to these companies. Some they are paying for, some they could lease. There is plenty of land for them to drill.

So why, then, is the Republican approach that we need to drill more, when the opportunity is there? There are plenty of acres, and we know that even with drilling, we are going to wait 8 to 14 years to see the first drop of oil. Well, here is what it is all about.

For the last 8 years, the White House has been under the control of a President and a Vice President with a deep background in the oil industry—both President Bush and Vice President CHENEY. And not coincidentally, the oil companies have done very well. The policies of this administration have been very friendly to these oil and gas companies. They are reporting record profits, which I will get to in a moment.

So the last gasp before this crew leaves town is for the Republican side of the aisle to give to the big oil groups more leased land, give them more land to stockpile inventory for future purposes. That is what this is all about. It is not about solving the current energy crisis. It is not about bringing down gasoline prices. That is 8 to 14 years away, if ever. It is about, frankly, giving big oil exactly what it wants.

If you think I am making this up, take a look at the full-page ads in your hometown newspapers by the American Petroleum Institute supporting the Republican position. What is the American Petroleum Institute? The largest and smallest oil companies in America. They understand this is their last grab under this administration and the Republicans want to give them that grab and take that land and try to convince the American people it will make a difference when it comes to our energy policy. Quite honestly, we know better.

Now, in a short time—maybe a matter of days, maybe this week—the oil companies are going to be reporting their latest profits. This chart will show you what is happening to big oil profits since this administration took office. Starting in 2002 to 2007, you can see a dramatic increase in billions of dollars for oil and gas companies in America. These just are not large increases for this industry, these are the largest reported profits of any business in the history of the United States of America.

The oil companies have done extraordinarily well. Notwithstanding all the other arguments, the fact that the Republicans want to give these oil and gas companies one last grab at this land is an indication they want the profit margins to continue.

But is that what we are all about? Is that why we are here, to make sure wealthy, profitable companies make record profits unseen in the history of the United States, at the expense of families who pay for the gasoline, at the expense of businesses that cannot survive, at the expense of our airlines that are shutting down their planes and schedules, at the expense of farmers in my State of Illinois and across the United States? I do not think so.

Our responsibility has to go further. Our responsibility has to go to the point——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. The point I want to make is this: We have to look ahead. If President Bush was right when he said America is addicted to oil, how can we break the addiction? We will never be oil free. That is ludicrous. We will have a dependence on fossil fuels, on oil, for my lifetime and well beyond.

But if we want to be fair to the next generation, we have to be pushing for an energy agenda which sees a source of energy homegrown in America, so we are independent and do not have to rely on OPEC and foreign countries, a source of energy that is kind to the environment, so we do not make global warming worse for kids in the future, and a source of energy that is affordable.

In order to reach that goal—and America can reach it—you cannot look backward, as the Republicans have by saying: Let's keep doing what we have always done. Let's keep drilling for oil.

You need responsible exploration and production of oil, and you need another future agenda: a next-year agenda that says we are going to look to a way to produce energy to keep this economy moving that is affordable.

We have the bill to do it. It is a bill that has lost on the floor of the Senate. It is the energy tax production credit. It is one that will produce energy. We cannot get enough Republican votes to support it. We are going to try again. We are going to keep trying because with this bill we are going to expand tax credits for biomass and hydropower, for solar energy, for biodiesel production. We are going to have tax credits for local governments in renewable projects, advanced coal electricity demonstration projects, plug-in electric cars, heavy vehicle excise tax for

truck idling reduction. It goes on and on—a list of ways to conserve energy and look to future uses of energy that are consistent with an American economy that will grow and not be too expensive for the American people.

That is what we have to move to. This afternoon we will give our Republican colleagues a chance to take their signs that say ''produce more'' and turn them into a vote for this tax program that will produce more. I hope they will join us in this effort.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

HIGHER EDUCATION AMENDMENTS OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 4137, and the Senate proceed to its immediate consideration.

Mr. ALLARD. Mr. President, there is no objection on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

Mr. DURBIN. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, the amendment No. 5250 at the desk, which is the text of S. 1642 as passed by the Senate, be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be considered made and laid on the table, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

Mr. ALLARD. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 5250) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4137), as amended, was read the third time, and passed.

Thereupon, the Acting President pro tempore appointed Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Ms. MURKOWSKI, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, and Mr. COBURN conferees on the part of the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ENERGY

Mr. ALLARD. Mr. President, it is time this Senate begin to act on what it is going to do to increase the supply of energy. It is time to lay aside politics. It is time to begin to look for real solutions to solve this country's energy problems.

What we have heard so far from the other side has nothing to do with increasing the supply of energy. We heard speeches on the Senate floor attacking speculation. Speculation works as a normal way of doing business on the futures market. What is against the law, which creates problems, is if you have manipulation of the markets. That is where somebody goes in and takes some kind of action on the market that somehow is going to artificially drive up the cost of fuel. It is manipulation. The administration has discovered a company or two that is doing that. They have been working on it for some time.

This shows the regulation process is working. We heard testimony in one of the committees on which I serve and we had a discussion on the supply of energy and the manipulation of the markets, and the regulators agreed they need to do more. I agree with that. We need to make sure they have the manpower they need to adequately enforce what we already have on the books.

I am looking for real solutions and my Republican colleagues, I believe, are looking for real solutions because we realize how important it is we become less dependent on foreign oil and not more. It is important for the security of this country, now and 20 to 30 years down the road, that we increase our supply of energy. So we need more energy, and we need to consume less.

Increasing taxes, which has been talked about on this floor, is not the answer. We are going to have a tax proposal that will be brought up, perhaps, on the floor of the Senate that will temporarily cut taxes for renewable energy—and, by the way, I am a strong supporter of renewable energy—and put in place a permanent tax increase on business. That is not the way we should be doing business on the floor of the Senate. That does not increase the production of oil.

Now, making it more difficult to produce more energy through more regulations is certainly not the answer. But we have heard proposal after proposal on the Senate floor claiming they are going to increase the supply of energy by increasing the regulatory environment, making it more difficult to go out and produce energy.

One of the things, in my view, that would produce more energy is utilizing capped wells, we have a lot of capped wells out there. These are existing wells that do not have to be drilled. They were shut down because at one point the economics were such that they could not make a profit with these wells. So they capped them and said: We are going to quit wasting our money on that one and go on to new areas where we can provide more oil for this country—oil and gas.

Well, the cost of the market is such that now it is feasible to begin to open these capped mines. We need to make sure we do not pass a regulation in this body that is going to make it more difficult for them to uncap those wells. That is a ready resource of energy.

We also heard comment on this floor about the fact that we have all this leased land out here. Leasing land does not equal more oil and gas. Many times, when you go onto a parcel of land and lease it, you have no idea whether there is oil or gas underneath there until you begin to put in some test wells and test the area. Just because you talk about all of this land that is available for leasing doesn't mean there is oil and gas on it. Leasing land doesn't mean there is oil and gas on there.

What happens with many of those leases is they may have found they are not productive. The leases are let out for 5 years or they may be let out for 8 years or 10 years. Then, if they are not producing, they put them back on the market and see if anybody else is interested in using the technology they have to try to discover if there is a source of energy under the surface of that land.

The important point to make is that just because you have land available doesn't mean there is oil and gas underneath it.

So my view is—and I think the view of many Republicans—we need to increase the production of energy, whether it is natural gas or whether it is oil shale, in order to bridge the gap to develop technology that is going to produce more energy in the future. I happen to feel that nuclear power is something we have ignored, and we need to do more in the way of nuclear power to meet the needs of providing adequate energy supply to our businesses and to our homes.

Let's talk about the pain at the pump. Throughout this great Nation, people are struggling with high gas prices. I am looking for some renewables to deal with cars. A lot of the renewables happen to deal with wind, solar, happen to deal with geothermal, biofuels. Now, there is something that might be able to be used with cars, but most of these renewables we are talking about can't be used in the car world.

People are feeling the pain. It is when you pull up to the gas tank and put your credit card in there and you fill up the tank, and when you look at the total at the end is when you really begin to hurt. High gas prices not only affect our ability to get around but increasingly are affecting each facet of our everyday life.

Americans are feeling pain at the pump due to high gas prices, and increasingly they feel pain at the kitchen table too. As gas prices go up, so do food prices. Food prices go up because it costs a lot to produce those food products that will end up on the table. America's farmers and ranchers

produce the safest, most affordable food in the world, but rising energy prices have affected almost every level of agriculture. It has caused everything from fertilizer costs to processing costs to increase. The high cost of diesel and other types of energy are forcing food prices up.

My home State of Colorado produces some of the best tasting produce in the world, including potatoes. In Colorado's San Luis Valley last year, it cost a farmer about $90 an acre for starter fertilizer. This year, the cost is up to almost $300. Imagine that. In 1 year, it has gone from $90 an acre to $300 an acre. Suppose you have a farm of 100 acres. That is a huge cost, a huge impact on the bottom line. That is right, in 1 year those costs have more than tripled.

Weld County, another agriculture-producing county in Colorado, is one of the Nation's top-producing ag counties. Even in an area that produces as much food as Weld County, people are fighting high food costs.

Higher food costs are affecting all Americans, but they are especially damaging to people dealing with food insecurity. Food banks are struggling to stretch dollars so they can keep food on their shelves. This is food that goes to our most vulnerable populations—impoverished individuals and their families. In Weld County, 32 percent of the individuals served by our local food bank are children.

Recently, oil hit $145 per barrel, and from the beltway to Middle America, $4-a-gallon gas is the frightening norm.

In the face of these challenges to the American economy and consumers, we have failed to take the steps necessary to address this problem either in the short term or in the long term.

This Congress has been ignoring one of the fundamental rules of economics; that is, supply and demand. Currently, worldwide supply of energy is being outpaced by growing demand. That is not only worldwide but here in this country. I saw on the TV a report which said that it is everything we can do to keep up with current demand. So if we were to implement any of the policies we are talking about here to increase supply, we would barely be able to keep up with current demand at the current levels. This is a huge challenge for Americans, and we shouldn't be backing away from that challenge here on the Senate floor.

If we take steps to increase supply, prices will go down. The day after President Bush lifted the Presidential moratorium on drilling in the Outer Continental Shelf, oil prices fell nearly $7 a barrel. Let me say that again: a drop of almost $7 per barrel in 24 hours because action was taken that got us closer to putting additional supply on the market. This translates eventually into cheaper gas.

One of the best ways to drive down fuel prices is by finding more and using less. Embracing renewable energy is an excellent way to increase supply.

As a founder and cochair of the Renewable Energy Caucus, I know the importance of using renewable energy, but we are not at a point yet where renewable energy can meet all of our energy needs. We still need fossil fuels.

One of the most promising sources of domestic energy is found in the West, much of it in my home State of Colorado. We have lots of natural gas available on the western side of our State. We also have oil shale which is found not only in Colorado but in Utah and Wyoming that will yield somewhere between 800 billion to 1.8 trillion barrels of oil. This is more than the proven reserves of Saudi Arabia and certainly enough to help drive down gas prices and bring us closer to energy independence.

However, we cannot delay. Some people say it is going to take 10 years to develop this resource. Well, are we going to wait another 10 years before we start developing a resource that is going to take 10 years to develop? We can't continue to delay these kinds of policies; we need to act now so we can begin to give the American people some relief.

We aren't taking the steps necessary to utilize the resources we have and to cut back on the $700-plus billion we send overseas annually for fuel because the Democrats in the Senate and in the House of Representatives have prevented the Department of the Interior from even issuing proposed regulations under which oil shale, for example, could be moved forward.

My position is that we need to put the regulations in place so that then the leases can be let. If you expect oil companies to go and begin to lease all of the land that is apparently available and that they thought was available for lease, if you want them to do that, they have to know the rules of the game. They have to know what is going to be their return on their investment. They have to know what the lease rates are going to be. They have to understand the market forces. They need to understand what the remediation is that might be required. They need to understand what environmental laws they have to deal with if they go ahead and happen to put in place a project to extract oil shale.

By the way, the technology in oil shale has changed significantly. We have moved that basically from a mining operation in Colorado to an in situ process where you leave the rock in the ground, you heat the ground and extract basically a high-quality jet fuel that needs further refinement with nitrogen sulfur. So that is how far the technology has come. It has gone from a mining operation to where you have in situ technology where you leave all the heavy, tarry stuff in the ground, you extract a good-quality fuel, and it has a lot of environmental advantages when you use that process.

So it is time for us to move forward. It is time for us to quit bickering about profits that are made by oil companies. It is time for us to stop blaming the President. It is time for us to recognize that it is a supply-and-demand issue. We need to supply more, we need to encourage less consumption through conservation, and we need to begin to move forward on this Senate floor and pass some meaningful legislation.

Mr. President, I now yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I also come to the Senate floor to join so many of my colleagues in urging the distinguished majority leader to allow a full and open debate and an open amendment process so we can address the single top issue in the hearts and minds of the American people; that is, gasoline prices—energy. We all know it is beyond discussion, it is beyond debate that this is the concern, this is the top challenge the American people face.

In my home State of Louisiana, I hold townhall meetings all around the State on a very regular basis. For months, this issue hasn't been the first question at each and every one of those townhall meetings, it has been the first 10 questions. That is no different from any other State in the country. Gasoline prices, energy prices are hitting all of our neighbors' pocketbooks. It affects every Louisiana family, every American family. So they ask a simple question: Why isn't Congress acting? Enough talking, enough political maneuvering. Why don't you come together and act?

That is what we should do. That is what we should do right here and right now on the floor of the Senate. So I urge the majority leader to lift his block of all amendments on the pending energy bill so that we can have that full and open debate, that full and open amendment process.

The last two times this body considered the issue of energy in a significant way, we had that sort of open debate.

In 2007, we were on an energy bill for 3 whole weeks. We took 16 rollcall votes on amendments, 22 rollcall votes on the entire bill. The total number of amendments proposed was 331, and actually 49 of those were agreed to, some by unanimous consent, others through those 16 votes I alluded to. That was when the price at the pump was about $3 a gallon, not $4 a gallon as it is now.

Before that, we also debated energy in 2005. We had 19 rollcall votes on amendments over a period of 2 whole weeks. We had 23 rollcall votes on the bill overall, 235 amendments were proposed, and actually a total of 57 were adopted. That is when the price at the pump was $2.26 a gallon, not at four bucks as it is now.

So now that the price is about $4 a gallon, now that it is the top concern of the American people bar none, why can't we have that open process and open amendment process as we have in the past? The American people want action.

I have filed seven amendments specifically, and I wish to outline them briefly.

My first amendment, which has been so far barred from coming to the floor, would develop alternative energy offshore in the gulf and other places where there is the ability offshore to develop new alternative energy, including wind farms.

My second amendment would increase domestic production offshore. It is a version of my ENOUGH Act and would also have that alternative energy offshore component of it tied into the second amendment.

My third amendment would repeal the moratorium on Outer Continental Shelf production outright and would also have the alternative energy offshore piece as a part of that amendment.

My fourth amendment would repeal outright the moratorium Congress passed several years ago that blocks shale activity in the Western States—exactly the activity my distinguished colleague from Colorado was talking about—as well as the alternative energy offshore piece attached to it.

My fifth amendment would streamline the permitting process for refinery expansion. Refinery capacity is just as important an issue as exploration and production, and we need to do a lot better to increase refinery capacity in this country domestically.

My fifth amendment to do that is by streamlining the permitting process for existing refineries to expand, which is a good place to start.

My sixth amendment would also streamline a regulatory process, the permitting process for offshore leases, because every person in the business I talk to says even when they get access—of course, blocking access is the biggest issue—the Federal permitting process is way too long and cumbersome and uncertain. We need to streamline that in a reasonable way.

My seventh and final amendment would expand the seaward boundary for Louisiana, Mississippi, and Alabama to match the seaward boundary of Texas to the west and Florida to the east. Right now, those two States, Texas and Florida, enjoy a seaward boundary of 9 miles from the coast, meaning the first 9 miles of the gulf off of the coast is State waters. But for Louisiana, Mississippi, and Alabama, that is only 3 miles. That is unfair. We should expand that to 9 miles to match Texas and Florida, which will have the impact of spurring production in those waters because the State regulatory process is far less onerous, unreasonable, and cumbersome than the Federal process.

Mr. President, other Senators have good ideas. I strongly support, obviously, my seven amendments. I have worked hard on them. I have cosponsors and I have introduced them. There are other good ideas as well.

The main point is we need an open process. We need the ability to call up amendments, to debate amendments, and to have votes on these good ideas because the American people want us to act like grown-ups and act on this single most important issue they face in their everyday lives.

Mr. President, what I find frustrates citizens back home more than anything is this impression they so often have that what we do here is in a different universe from the real world and is divorced from their everyday struggles and everyday lives. I am afraid the distinguished majority leader is reinforcing that notion by not allowing these amendments, these votes, not allowing an open process on the single top issue Louisiana families and all American families face.

I urge the majority leader to reconsider so we can truly come together and do the people's business on what is the single top issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for the next 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOBS, ENERGY, FAMILIES AND DISASTER RELIEF ACT OF 2008

Mr. BAUCUS. Mr. President, in the book, ''The Ethics of the Fathers,'' the sage Rabbi Tarfon taught:

> It is not up to us to finish the work, but neither are we free to avoid it.

Later this week, the Senate will vote on the Jobs, Energy, Families and Disaster Relief Act of 2008. This bill may not finish all the work that we need to do. But this bill does do work that we are not free to avoid. I urge my colleagues to vote to invoke cloture on the motion to proceed.

This legislation is important to our economy, to our energy security, and to the wellbeing of America's working families. And it is also vital to helping people harmed by natural disasters to get back on their feet.

Some call this an ''extenders'' package. It extends tax incentives that are important to American businesses and families.

It includes the deduction for college tuition and the R&D credit. It includes the deduction for State and local income taxes. And it includes the new markets tax credit which helps spur investment in low-income communities.

But S. 3335 is more than just an extenders bill. It also contains vital new provisions.

It includes tax credits for plug-in vehicles. It includes a long-term extension of tax credits for solar power. And it includes a badly needed fix to the highway trust fund, which finances a large portion of our Nation's transportation infrastructure. That has to be extended; otherwise, a lot of jobs will go wanting. A lot of construction jobs will not be there, unless we maintain and continue financing for the highway program.

I urge my colleagues to take up this bill and pass it.

The vote this week will not be the first time this year that the Senate has sought to extend this important tax legislation.

In May, the House passed H.R. 6049, the Renewable Energy and Job Creation Act of 2008. That bill included a roughly $17 billion energy tax package. And it included $37 billion in other tax extenders. The bill was offset with responsible tax policies that would have changed the timing of tax on offshore hedge fund managers and multinational corporations.

The majority leader tried to take up that bill in June. In fact, he tried twice. But some of our colleagues on the other side of the aisle would not allow us to proceed to the bill.

The first attempt to proceed failed, 50 to 44, on June 10. The second attempt failed a week later, with a vote of 52 to 44.

Some argued that the House bill lacked key items. For example, some said that it should have included relief from the alternative minimum tax.

And some objected to provisions that were in the bill. For example, some said that it should not have included Davis-Bacon protections on prevailing wages.

In response to those and other concerns, I introduced S. 3125, a revised version of the bill that passed the House.

S. 3125 included a one-year patch for the alternative minimum tax. It would prevent more than 20 million families from paying a tax that Congress never intended them to pay.

And in an effort to reach bipartisan compromise, that bill omitted the Davis-Bacon provision.

But my friends on the other side still objected to that package. They expressed concern over other items, such as a provision that allows attorney contingency fees to be deducted in the year that they are incurred, rather than upon disposition of the case.

I worked to address the concerns of my friends on the other side of the aisle. And last Friday, I introduced another bill S. 3335, the Jobs, Energy, Families and Disaster Relief Act of 2008. That is the bill that I hope the Senate will turn to this week.

This legislation includes the core of the previous bill I introduced. It includes a strong energy package. It includes an AMT patch. And it includes the House-passed individual and business tax extenders.

S. 3335 also contains several new items. In response to growing concerns over our Nation's crumbling infrastructure, this bill would shore up the highway trust fund. Last Wednesday, the House passed a stand-alone version of this highway fix by an overwhelming vote of 387 to 37.

And S. 3335 contains billions in relief for those affected by devastating natural disasters.

And in response to the other key criticism of S. 3125, the one related to attorneys' fees, S. 3335 dropped that provision altogether.

In short, the bill that we will have a chance to vote on this week is aimed at helping create jobs, advancing our energy independence, helping working families, and offering relief to those areas that have experienced natural disasters.

And by making major modifications to past versions of the bill, it is aimed at getting broad support.

Now, some Senators really want to vote for this because it is the right thing to do. But they are told by the leadership: Don't do it. They want to vote for it; they are chafing at the bit to vote for it, but they are told not to do it. Why, I don't know.

Now some on the other side have also objected that we should not consider a revenue bill that originated in the Senate.

While it is true that the House must originate revenue bills, there is precedent for the Senate's acting in advance of the House.

For example, the other side did just that in moving the Tax Increase Prevention and Reconciliation Act in 2005. The Senate took up its bill, S. 2020, on November 16, 2005, nearly a month before the Senate received the House companion measure.

And in the case of the bill before us this week, I think that it is important for Senators to be able to vote for the improved version of the bill, the bill that includes all the changes that I have been discussing.

And after we get a good vote on this bill, we can move to amend a House-passed bill with our Senate measure.

Congress needs to do more than just extend legislation. Congress should work on new policy, new legislation, and new ideas.

We need to take a hard look at our Tax Code. We need to make it fairer and simpler. I have begun that process, through a series of hearings in the Finance Committee.

We need to address the unsustainable growth in health care costs. I have also begun an effort to that end, through a series of hearings on health care, which accounts for one-sixth of America's economy.

And we need to address the vital need for a new energy policy, one that accounts for the changing realities of our environment, our national security, and our economy.

For more than a year, I have been working to pass a meaningful package of energy-tax incentives. It is a package with the goal of moving this country toward greater energy independence. And it is a package that would help to prepare our economy for a system that also addresses global warming.

These are big challenges. And they will not be solved through one bill, or one congressional session. But even though we cannot finish the work, we still have an obligation to do what we can.

This bill may not finish all the work that we need to do. But this bill does do work that we are obligated to do.

Let us do that work. Let us invoke cloture on the motion to proceed. And let us provide this help to America's economy, to America's energy security, and to the wellbeing of America's working families.

CROW WATER SETTLEMENT

Mr. BAUCUS. President Lyndon Johnson once wrote:

> A nation that fails to plan intelligently for the development and protection of its precious waters will be condemned to wither because of its shortsightedness. The hard lessons of history are clear, written on the deserted sands and ruins of once proud civilizations.

I rise today to talk about a proud Nation from my home State of Montana that is planning for the development and protection of its priceless water.

The nation I am referring to is the Crow Nation, and today, along with Senator TESTER, I introduced a bill to ratify the Crow Tribe's water compact.

This compact will protect the Crow Tribe's water rights, provide for the development of municipal and agricultural water systems, and create good paying jobs. Everyone has a right to have access to clean, reliable water, and Senator TESTER and I are here today to help make sure that right is upheld.

In 1908, the Supreme Court established that when Congress set aside land for Native American tribes, it also reserved water rights for the tribes to develop their lands for agriculture. The Crow Tribe has waited nearly 100 years to secure the rights to its water. The bill I am introducing today will ensure that the Crow people can finally access the water that is rightly theirs while protecting the water rights of non-tribal water users.

This bill that Senator TESTER and I are introducing also ensures that the Crow Tribe has the infrastructure it needs to develop its water resources. To this end, the bill authorizes funding for a drinking water system that will bring clean water to families across the reservation. This project will help protect public health and help create good paying jobs.

The bill also authorizes the rehabilitation of the Crow Tribe's irrigation system. The Crows' land is important to their identity, their history, and their economy. Rehabilitating the Crow Tribe's irrigation system will ensure that Crow farmers and ranchers can work their land for generations to come.

Mr. President, the Crow Nation is a proud nation with abundant water resources. The bill I have developed with the Crow tribal leadership is a reflection of the Crow people's good foresight. This legislation will protect the Crow Tribe's water, create good paying jobs, and ensure that the Crow continue to be a proud and prosperous people.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

JOBS, ENERGY, FAMILIES, AND DISASTER RELIEF ACT OF 2008—MOTION TO PROCEED

Mrs. MURRAY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to S. 3335.

Mrs. MURRAY. Mr. President, I ask unanimous consent to withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

Mrs. MURRAY. Mr. President, I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 6049 be agreed to, the motion to reconsider be agreed to, and the cloture vote on the motion to proceed to H.R. 6049 occur at 3 p.m., with the time until then equally divided and controlled by the leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the quorum

call time be equally divided between the majority and minority between now and 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Max Baucus, Barbara Boxer, Amy Klobuchar, Benjamin L. Cardin, E. Benjamin Nelson, Maria Cantwell, Patty Murray, Bernard Sanders, Daniel K. Akaka, Robert Menendez, Ron Wyden, Debbie Stabenow, Blanche L. Lincoln, Patrick J. Leahy, Richard Durbin, Sheldon Whitehouse.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. STEVENS).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 43, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—53

Akaka	Conrad	Levin
Baucus	Dodd	Lieberman
Bayh	Dorgan	Lincoln
Biden	Durbin	McCaskill
Bingaman	Feingold	Menendez
Boxer	Feinstein	Mikulski
Brown	Harkin	Murray
Byrd	Inouye	Nelson (FL)
Cantwell	Johnson	Nelson (NE)
Cardin	Kerry	Pryor
Carper	Klobuchar	Reed
Casey	Kohl	Reid
Clinton	Landrieu	Rockefeller
Coleman	Lautenberg	Salazar
Collins	Leahy	Sanders
Schumer	Stabenow	Whitehouse
Smith	Tester	Wyden
Snowe	Webb	

NAYS—43

Alexander	DeMint	Martinez
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Specter
Burr	Gregg	Sununu
Chambliss	Hagel	Thune
Coburn	Hatch	Vitter
Cochran	Hutchison	Voinovich
Corker	Inhofe	Warner
Cornyn	Isakson	Wicker
Craig	Kyl	
Crapo	Lugar	

NOT VOTING—4

Kennedy	Obama
McCain	Stevens

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

FREE FLOW OF INFORMATION ACT OF 2007—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I now move to proceed to S. 2035, which is the media shield bill.

The PRESIDING OFFICER. The motion is now pending.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I thank the distinguished Presiding Officer. I want the distinguished Presiding Officer to know the weather in our home State is much nicer today than it is here.

I support the Free Flow of Information Act, S. 2035, which the distinguished majority leader has moved to. I hope the minority will allow us to consider this important legislation.

I thank the majority leader for his willingness to bring this legislation before the Senate. I have worked with him on this matter to find an opportunity for Senate action since the Judiciary Committee reported this bill last October. I appreciate the support of the majority leader. He has offered a generous response to the bipartisan request Senator SPECTER and I made to him and the Republican leader earlier this year to proceed to this bill. In a bipartisan letter, we asked if he would proceed to the bill. He has done that. I applaud him for it.

Our bill has 20 Senate cosponsors, Members of both parties. I hope the Republican cosponsors will join us in moving to the bill and will bring along the seven or eight Republicans we will need to overcome yet another filibuster and make progress.

I have also supported and urged the Senate to proceed to the strong House-passed version of the Free Flow of Information Act, H.R. 2102. That bill passed the House of Representatives by a vote of 398 to 21—so it obviously has overwhelming bipartisan support. The House bill has more than 70 cosponsors—both Republicans and Democrats alike.

Years ago, my mother and father owned a small daily newspaper in Waterbury, VT, the Waterbury Record. As a child, I grew up hearing, at the kitchen table, that a free and vibrant press is essential to a free society. That has been demonstrated again and again over the last eight years. That is why I cosponsored the Senate version of this bill and I have worked hard to enact a meaningful reporters' shield law this year.

That is why I made sure that for the first time ever—for the first time ever—the Senate Judiciary Committee reported a media shield law to protect the public's right to know. The Judiciary Committee reported a bill sponsored by Senators LUGAR, DODD, SPECTER, SCHUMER, GRAHAM, and myself with a strong bipartisan 15-to-4 vote.

I wish to commend the leadership of Senator LUGAR and Senator DODD in connection with this matter. They began this quest for fairness when it seemed an impossibility several years ago. They have worked diligently to bring us to where we are today—at the cusp of achieving a Federal shield law—if only the Senate gets the support of a handful of Republican Senators to proceed to the bill.

All of us—whether Republican, Democratic or Independent—have an interest in enacting a balanced and meaningful shield bill to ensure a free flow of information to the American people. Forty-nine States and the District of Columbia currently have codified or common law protections for confidential source information. But even with these State law protections, the press remains the first stop, rather than the stop of last resort, for our Government and private litigants when it comes to seeking information. Time and time again—especially during the years when this Congress refused to do real oversight of the current administration—when there was waste in Government, when there were serious mistakes in Government, even when Government was breaking the law, we found out about it first and foremost because of the press in America.

Earlier this year, Toni Locy, a professor of journalism at West Virginia University, also a former USA TODAY reporter, was held in contempt of court for refusing to divulge her confidential sources. There are scores of other reporters who have been questioned by Federal prosecutors about their sources, notes, and reports in recent years. This is a dangerous trend that can have a chilling effect on the press, but even more so, on the public's right to know. If you don't have a free press,

then you don't have a free society. If you don't have a way for Americans to know what their Government is doing, then we will all hurt. To paraphrase Mark Twain, you should support your country all the time but question your government when it deserves it. We need a press willing and able to do that.

Enacting the Free Flow of Information Act—which carefully balances the need to protect confidential source information with the need to protect law enforcement and national security interests—would help to reverse this troubling trend and benefit all Americans. The bill creates a qualified privilege to protect journalists from being forced to reveal their confidential sources. The bill contains exceptions to the privilege for criminal conduct or national security. The legislation also requires that Federal courts weigh the need for the information with the public's interest in the free flow of information, before compelling reporters to disclose their confidential sources.

Although I strongly support the enactment of a Federal shield law, I have some reservations about possible revisions to the bill we passed out of Committee. I am pleased that language has been drafted to address my concerns about making sure that legitimate bloggers and freelance journalists are included in the definition of the persons covered by this bill.

However, I hope that any amendments to this legislation will include stronger protections for journalists and their sources with regard to matters of national security and classified information. No one would quibble with the notion that there are circumstances when the Government can and should have the right to compel information in order to keep us safe. But many newsworthy stories concerning national security, such as the exceptional reporting on the CIA's secret prisons and the warrantless—and many feel illegal—wiretapping by the National Security Agency were published with the help of confidential sources, to the great benefit of the general public and the accountability that ordinary Americans deserve from their Government.

I fear that proposals from some in this body do not go far enough to protect against Government abuse in this area or to protect the public's interest in the dissemination of newsworthy information.

Not all reporters will be as lucky as Bill Gertz of the Washington Times was when a judge recently upheld his claim in a case in a California Federal court. Even with this victory, however, the Government has responded by broadening its inquiries. To prevent further intrusions on our fundamental first amendment rights, we need some uniform standards. We need procedures to evaluate claims of privilege and protect the public's right to know. To do that, of course, the Congress must act.

In a much touted speech to the American Enterprise Institute last week, current Attorney General Mukasey, who still opposes a Federal shield law, articulated principles that argue for enacting one. Attorney General Mukasey endorsed congressional legislative action when there exists a ''serious risk of inconsistent rulings and considerable uncertainty.'' He noted that congressional action to provide procedures in national security cases is ''well within the historic role and competence of Congress.'' Although he was proposing action in another setting, the Attorney General's remarks likewise support congressional action to standardize and clarify the procedures governing a Federal statutory press shield law. In view of the disparate rulings and outcomes that have developed in the courts since the Supreme Court's Branzburg decision 36 years ago, it is now time for Congress to establish a framework for the courts to resolve press privilege assertions fairly and consistently, and we can do this while preserving our national security.

When he testified before the Senate Judiciary Committee in favor of the Federal shield law in 2005, William Safire told us that the essence of news gathering is this: If you do not have sources you trust and who trust you, then you don't have a solid story—and the public suffers for it. Well, Bill Safire is exactly right. We simply have no idea how many newsworthy stories have gone unwritten and unreported out of fear that a reporter would be forced to reveal a source or face jail time. We also do not know how many potential whistleblowers, or other confidential sources, have chosen to remain silent out of fear that journalists could be compelled to disclose their identity.

Just recently, investigative journalism and confidential sources have helped to uncover significant Government failures in Iraq, in New Orleans, as well as Government neglect at the Walter Reed Medical Center. We wouldn't have found out how poorly the returning soldiers were being treated—people who have lost limbs or have been paralyzed or blinded in the war in Iraq—by the Veterans' Administration and the problems and events at our Government facilities. We would not have found out about that if a confidential source hadn't told a reporter.

We have seen just in the past few days news articles about politicization at the Department of Justice. A lot of the spotlight on how politicized this administration's Justice Department has become came out of hearings we held in the Judiciary Committee. But much of what we found out about what was going on at the Justice Department came out of press reports based on confidential sources.

We learned from the press that the White House, afraid that they might find out the truth, avoided implementing the Environmental Protection Agency's recommendations on global warming by not opening the agency's e-mails. Again, we find out about that from confidential sources.

As a former prosecutor, I understand the importance of making sure that the Government can effectively investigate criminal wrongdoing, combat terrorism, and preserve national security. The Federal shield legislation we are seeking to bring before the Senate strikes a balance among these important objectives. The bill addresses the legitimate need for law enforcement to obtain information from reporters to prevent a crime or a national security threat.

In addition, by providing a qualified and not an absolute privilege to withhold the identity of confidential sources, the bill also advances other important law enforcement objectives, such as encouraging whistleblowers to disclose fraud, waste, and abuse that might otherwise go unreported.

The opposition to this carefully crafted bill by the Department of Justice and Office of the Director of National Intelligence, ODNI, is simply misplaced. Although 49 States, the District of Columbia, and several Federal courts have recognized a reporter's privilege either by statute or common law for years, the Department of Justice and ODNI have not cited a single circumstance where the privilege caused any harm to national security or to law enforcement. In fact, the legitimate concerns about the need to effectively combat crime and protect national security have been satisfied by the bill and by amendments to this bill offered in a bipartisan fashion by Senators FEINSTEIN, BROWNBACK, and KYL.

A free press in our country is what sets us apart from so many other nations in the world. The distinguished Presiding Officer, in his years in the House and in the Senate, can certainly point to examples where we have found out things that have been kept hidden from the Congress only because the press uncovered them. Certainly, that has been my experience in my years here in the Senate.

I also know that there is a temptation—when any administration has made a serious mistake or is trying to hide wrongdoing by their administration, the first thing they want to do is to make sure nobody in the press or the Congress or the public finds out what they have done. For every administration, it is easy to have all of their press people go out and tout the things they want us to know, the things they consider a success. None want us to hear about the embarrassments or the mistakes or, more recently, out-and-out wrongdoing. That is where you need a press willing to go in and uncover Government wrongdoing and protect the sources who help them to do so.

Do you think even with all of the hearings I and others have held we would have found out how law enforcement was manipulated and thwarted by this administration in the selection and manipulation of U.S. attorneys?

We found out about it first and foremost by the press, and then through witness testimony in hearings, and now by the Justice Department's Inspector General who had the willingness to stand up and point to the wrongdoing of this administration. And then there was Abu Ghraib—how did we find out about that? We learned about it in the press, not because the administration was willing to say: Look at this terrible thing we have done.

So after months and months of delaying tactics and opposition by the Bush administration, the time has come to pass a Federal shield law. I thank and commend the more than 60 news media and journalism organizations including ABC News, the Associated Press, CNN, the National Newspaper Association, the Society of Professional Journalists, and the Vermont Press Association, that worked so hard to get us to this point.

I ask unanimous consent to have a copy of a support letter from the Media Coalition Supporting the Free Flow of Information Act printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, I will just leave with this: Let's make sure the Congress—especially this Senate—takes steps, as the other body did, to make it easier for the public to know not all the things the Government wants them to know but the times when our Government has made mistakes, the times when our Government has not followed the law, the times when our Government has tried to give disinformation. We are a stronger nation if we know the truth. We are a weaker nation if our laws allow the truth to be shielded from the American people. I trust the American people. I trust the American people to question our Government. I trust the American people to be able to handle the information. I do not trust those who would try to use every barrier to keep that information from the American people.

Mr. President, I yield the floor.

MEDIA COALITION SUPPORTING THE FREE FLOW OF INFORMATION ACT

JULY 21, 2008.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Russell Bldg., U.S. Senate, Washington, DC.

Re: S. 2035—The Free Flow of Information Act.

DEAR CHAIRMAN LEAHY: On behalf of the men and women across the country who work to bring the American people vital news and information, we, the undersigned media companies and organizations, thank you for your support and co-sponsorship of S. 2035, the Free Flow of Information Act. Your leadership in support of this bill has been invaluable in fighting to ensure that the American public has access to news and information about their government and the institutions that affect their daily lives. Protecting confidential sources through federal legislation has broad support on both sides of the aisle, in both chambers of Congress, and from state attorneys general across the nation.

The legislation is vitally important to the national interest, an informed citizenry, and a free and vibrant press. As you know last October, S. 2035 was favorably reported out of the Senate Judiciary Committee on a strong 15–4 bipartisan vote and is supported by the presumptive Republican and Democrat presidential nominees, Sens. John McCain and Barack Obama. A similar shield bill (H.R. 2102) passed by an overwhelming 398–21 vote.

Chairman Leahy, we appreciate your leadership and respectfully request that you do whatever you can to make sure that S. 2035 is approved by the Senate, without any further amendments that would weaken the well-reasoned protections in the bill.

Very truly yours,

ABC News, ABC Owned Television Stations, Advance Publications, Inc., A. H. Belo Corporation, Allbritton Communications Company, American Business Media, American Society of Magazine Editors, American Society of Newspaper Editors, The Associated Press, The Associated Press Managing Editors Association.

Association of Alternative Newsweeklies, Association of American Publishers, Association of Capitol Reporters and Editors, Belo Corp., Bloomberg News, CBS Corporation, Clear Channel, CNN, Coalition of Journalists for Open Government, The Copley Press, Inc.

Cox Television, Cox Newspapers, Cox Enterprises, Inc., Daily News, L.P., First Amendment Coalition of Arizona, Inc., Freedom Communications, Inc., Gannett Co., Inc., Gray Television, Hachette Filipacchi Media U.S., Inc., Hearst Corporation.

Lee Enterprises, Inc., Magazine Publishers of America, The McClatchy Company, The McGraw-Hili Companies, Media Law Resource Center, National Association of Broadcasters, National Conference of Editorial Writers, National Federation of Press Women, The National Geographic Society, National Newspaper Association.

National Press Photographers Association, National Public Radio, NBC Universal, News Corporation, Newspaper Association of America, The Newspaper Guild-CWA, Newsweek, The New York Times Company, North Jersey Media Group Inc., Online News Association.

Pennsylvania Newspaper Association, Radio-Television News Directors Association, Raycom Media, Inc., The Reporters Committee for Freedom of the Press, Reuters America LLC, E. W. Scripps, Society of Professional Journalists, Stephens Media LLC, Time Inc.

Time Warner, Tribune Company, truTV, The Walt Disney Company, The Washington Post, U.S. News & World Report, White House News Photographers Associations.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

ENERGY

Mr. DOMENICI. Thank you, Mr. President. I rise to talk about the subject that has to do with the energy legislation that has been pending before the Senate for I think 9½ days. I wish we would have had votes before this time because it is one of the most important, if not the most important, issues confronting the American people. I am going to speak about one of the amendments the majority has to offer with reference to the Energy bill.

First, I wish to say I have no doubt that both sides of the aisle—because we do know what the public is thinking, so I would think both sides do know the public has changed its mind dramatically about drilling for American oil. It wasn't too long ago that you were afraid to use the word ''drill.'' You had to use the word ''explore'' because drilling had a bad connotation. But when the American people got around to thinking about this idea that if we had more oil available and the world knew it and it was American and we could develop it, they knew that would require drilling. No matter how sophisticated the drilling has become with these giant offshore drilling pads which, if anybody had a chance to see one, such as I have, you would see what we can do hundreds of miles underwater, without any degradation of the environment, and how men can go to work with that equipment and build these giant facilities, where people can sleep while they maintain them.

Underground, they can drill 10, 12, even 14 wells, and they all get piped into 1 pipe, and there isn't any seepage. When we had the great hurricane, they showed pictures of the pipes underground moving with the current but not breaking. That is what is going to happen under the ground off the coast—producing billions of barrels of oil and trillions of cubic feet of natural gas. It belongs to us. Eighty-five percent of our coast is now closed.

We can speak about the fact we are already producing and already leasing, but 85 percent is not leased. Whatever is being talked about, saying that leases are there and not producing—I don't have enough time today, but I am going to explain why one of the amendments the majority has that talks about producing doesn't produce anything because it is supposedly one of these amendments that talks about drilling—drill it or lose it. That is already governed by a ''drill it or lose it'' condition in every lease. So nobody is out there operating with leases they are not using, because if they do, they lose them. They paid big money to get them so they can go down there and produce energy for us.

I rise to speak on the status of the debate on this bill and on an amendment the majority has put forth under the pretext of increasing our energy supply. That is what we have been talking about—increasing our energy supply. For the most part, all the amendments we have talked about wanting to offer are increasing our energy supply. The current energy crisis is derived from many factors, but the bill the majority leader has called up attempts to deal with only one of them: speculation. There is no question that speculation is not the whole problem. In fact, four of the most prominent leaders we have in matters economic and matters that pertain to securities and matters that pertain to such things as speculation have indicated the oil and gas prices are not driven by that but, rather, by supply and demand.

As I have said before, never in my 36 years in the Senate have I seen a problem so big met with a proposed solution by the majority leader that is so

small. Speculation is adding to the severity of our energy crisis, but without question, an imbalance between supply and demand is at the root of the problems we face.

The Republican caucus has proposed a number of solutions that measure up to the present challenge. Despite this, as we begin the eighth day of debate on this bill, we have not had a single substantive vote on it. The American people certainly deserve better, and we ought to be able to come up with something better. But that is the way the process is—7 or 8 days without voting on an amendment. For most of that time, the contention was that we could offer amendments. The truth is we could not because we would have had to withdraw some amendments the majority leader had offered, and certainly he would not have relished that.

For the past week, the other side of the aisle has told the American people to believe that Republicans are up to no good, and we are obstructing progress. The truth is we merely want to complete the work our constituents sent us here to do.

We know what Republican amendments seek to do. My legislation was introduced more than 12 weeks ago, and the Republican leader's bill was filed nearly 5 weeks ago. The Republican proposals clearly answer the question of how to produce more energy here at home while, at the same time, reducing the amount we consume. Our motto has been abundantly clear: find more and use less. We will, perhaps, be voting and giving everybody in this body an approach to do that. I hope when we make such agreement, we will have a clear opportunity to have votes on that kind of proposition.

What has been less clear, outside of the speculation-only bill now pending, is what exactly the Democrats are willing to do to reduce the energy prices. Despite stalling progress on a real energy bill, the other side has realized they must at least appear to support greater domestic production of energy. So late last week, 14 Democratic Senators introduced their own version of the Republican plan to find more and use less.

Now, finally, the text of that amendment is public. However, we know it falls short of its own goals. Gone from it are the windfall profits tax, price-gouging, and NOPEC provisions that were soundly discredited by energy experts and editorial pages of all ideological stripes. They were part of what was being tendered by the majority. They are gone from the proposal that 14 Senators from the other side of the aisle have offered.

In their place is a bill that would still bring no new energy to market. It does not open any new areas to exploration—or shall I say drilling? By increasing the fees applied to leases and preproduction requirements, it could actually drive up the cost of energy and lengthen the time it takes to get that energy to market. It would delay the development of one of America's most abundant energy reserves and increase our vulnerability to an interruption in oil supply.

In short, the majority party's new ''production'' proposal contains far more problems than it does solutions. It will not lower prices at the pump, it will not reduce our dependence on foreign oil, and it will not help resolve our energy crisis. That is the amendment that has been touted by Senator BINGAMAN and about 12 or 13 other Senators. Our dependence upon foreign oil will in no way be ameliorated, and it will not help resolve our energy crisis.

It is worth taking time on the floor to examine the substance of the proposal. The amendment is No. 5135, and it claims to address a number of so-called supply side issues, including lease duration, lease rentals, lease sales, resource estimates, the Roan Plateau, and the Strategic Petroleum Reserve.

I would like to take a few moments to address these issues.

On the duration of leases, the amendment shortens the amount of available time to complete all the activity leading up to and including drilling for oil and natural gas. This approach would fail to increase supply for several different reasons. It ignores the reason why it takes so much time to get a lease into production in the first place. Oil companies are not just wasting time, they are mandated to use up that time. It actually adds to the central cause of those delays by creating new bureaucratic requirements for writing ''diligent development plans.'' In other words, all they are doing and all they plan to do and all this wonderful work offshore that is out there, no thanks to the Congress and the President, because we kept most of it closed—85 percent is still closed—but within that 15 percent you see terrific development and tremendous facilities. They are following rules. If you had them in a witness room and asked them what rules they are following, they would explain to you it takes a long time to go from the bid day—the day you get that lease—until you can actually drill. They do everything possible to expedite, but some of the reasons for delay they can do nothing about; they follow the rules. There are environmental rules—sometimes duplicated, but they are there. This amendment I am speaking of, in an effort to say we are going to get more and squeeze more out of what is there, I imagine these people who own it at $1.35 are not interested in squeezing out the oil for America. They are interested in lollygagging. They paid money for the lease and they have money invested, but they are not in a hurry. So we have to pass a new diligent development plan requirement.

There are already as many as 39 permits, documents, and analyses that have to be done in the development of a lease. It is unclear how adding the 40th step will move the process any faster.

Next, the amendment seeks to increase rental fees that leaseholders pay to occupy Federal land. The increased fees that have been proposed would discourage companies from bidding on and subsequently exploring leases that contain marginally attractive lands. Increasing the cost of doing business is not the answer. Once you think about it, most Senators overwhelmingly will agree that we don't need to add to the fees. We don't need to add to the regulatory requirements. We need the opposite if we want more production.

The leader on the other side has an amendment that also attempts to alter the frequency of lease sales. This is appealing in principle, but as drafted the amendment merely pretends to speed up a process for areas where lease sales are already scheduled to take place or where lease sales have already been held without any interest from industry. In effect, this bill is attempting to take credit for something that was going to happen anyway or, worse, has already occurred without success.

What the amendment does not do is open any new areas to leasing, which is the fundamental change that is so desperately needed in our management of Federal lands. Energy companies should not be forced to drill when and where it is politically convenient; they should be allowed to drill where resources are most concentrated and when conditions most warrant their development.

Something of a pattern is becoming evidence here. And not surprisingly, it carries over to the so-called resource estimate—more new words and new bureaucracy—called for by this amendment. Predictably, the inventory contemplated by this amendment is only for areas that are already leased or are already open for lease sale.

Instead of conducting an estimate of the resources within already open areas and already existing leases, we should authorize a full inventory of the Nation's entire resource potential, including areas that have historically been kept off-limits. Only then can Congress make an informed decision. We must fully understand what our past energy policies have kept off-limits and how those resources could be used to meet our future needs. Again, the Democratic amendment avoids this very pressing task.

Another troublesome provision is the amendment's proposed swap of oil in the Strategic Petroleum Reserve. The sponsors would have 70 million barrels of light sweet crude—that is a specific type of oil that is very expensive and very versatile—they would have that released within 180 days and not replace it with fuel until as many as 5 years have gone. So had the Energy Committee not cancelled a hearing on this very topic last week, we might know if this proposal makes any sense at all. I suspect it does not.

Having watched the price of oil climb by $20 a barrel from around $127 to a

high of $147—and we are all grateful it has come down a little bit after deliveries of the SPR were suspended—it is highly unlikely that a short-term release of oil will reduce oil prices over any sort of time horizon.

I urge my colleagues to remember the purpose of SPR is to provide oil in the event of a supply disruption, not in the event of a price increase. In the event of an emergency, enactment of this provision would reduce our ability to cover import losses from 58 days to 52. Just imagine, the American people should know with all the troubles in the Middle East and the straits, with boats loaded with crude oil, many soon to be laden with natural gas, where they can pass—look at the danger that is there. Look at America's future in terms of what might happen there. Look at what might happen accidentally, much less intentionally.

We only have 58 days of Strategic Petroleum Reserve oil in the repository underground that we could use. The American people ought to be grateful—and I think they are—that we did this. We have 58 days to pump out that oil and use it if we are in one of these problems that could come about from an oil shortage on the world market because of accidents, war, conflagration, or the like.

The other side would take that and say: Let's take 6 days of that reserve and put that oil out for sale and that might lower the price of oil on the market and thus lower the price of gasoline. Anybody who sees that—we will show them the numbers later what that means—will know that is not producing a new source of oil, drilling for it or exploring it. It is nothing but a short-term use of our petroleum reserves for price reasons when it should never be used for that, and it won't work anyway.

The amendment has many other shortcomings. The most damaging provision to our energy security deals with the Roan Plateau in Colorado.

The way the language is drafted speaks for itself.

On page 26:

The Secretary shall include in any mineral lease . . . a stipulation prohibiting surface occupancy or surface disturbance for purposes of exploration for or development of oil and natural gas.

On page 29:

The Secretary may not permit through a lease or other means any exploration for or development of oil shale resources.

And then on page 30:

The Secretary may not at any time issue mineral leases on public land within more than one of the phased development areas.

These restrictions are somehow fit for inclusion, even after a finding on page 20 which asserts that ''the Roan Plateau Planning Area likely contains significant energy resources.''

Why were these provisions included in a title called ''Oil Supply and Management''? A plain reading of this language clearly demonstrates that it is the sponsors' desire to manage that plateau in such a way that its abundant energy resources will never be produced. In short, this is a production amendment which prohibits production.

What my colleagues across the aisle don't want you to know is that a lease sale including parcels on the Roan Plateau is scheduled for August 14, a little over 2 weeks from now. If this section were enacted into law, it would likely require the land use plan or the entire area to be redone, generally taking 2 to 3 years or more.

Let us not forget that the current plan for the Roan Plateau took 9 years to develop and that this provision could require that the process begin again from scratch and will eliminate any revenue from the coming August 14 lease sale which is already assumed in the budget at $100 million.

For all the shortcomings in this amendment, most revealing are the measures not included in it. There is no repeal of the restriction on regulations for commercial oil shale leasing. The other side has decided to stand by a ban that they imposed last year on that resource. There is no lifting of the congressional moratorium on the development of deep sea energy resources, despite the President already taking action to do so.

There is no mention of our Nation's vast domestic coal reserves which could be used to provide secure, affordable energy for decades to come.

And there is no repeal of section 526 which impairs the Defense Department's efforts to develop resources of alternative domestic fuel.

Taken altogether, this amendment and the underlying speculation-only bill that is before the Senate suggests that the majority is content to move on without having done anything to address the energy crisis. Nothing. We were faced with an effort to proceed to another matter this past weekend, and the Senate rightly voted to reject it.

Yesterday afternoon, we were again faced with another attempt by the majority to change the topic from what we were on to another topic. Again, the Senate rightly defeated that effort. I hope we continue to defeat efforts to move away from the No. 1 domestic issue facing the American people.

This issue deserves our undivided attention. There is nothing to be afraid of. We have ample time to write a good bill that makes real progress and provides real relief at the pump for the American people.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from New York.

Mr. SCHUMER. Madam President, I will be brief. I know Senator GRASSLEY has been waiting as well. I will not speak for very long.

I rise to speak about S. 2035, the Free Flow of Information Act, a bill that Senator SPECTER and I have spent a lot of time on, worked on, and is cosponsored by many in the House and notably Senators DODD and LUGAR who had a previous bill, as well as, of course, Senator LEAHY who led the charge on so many different issues and has been very helpful in us moving this legislation forward.

I am going to speak tomorrow when we address the bill, but I wanted to let my colleagues know of a substitute amendment that Senator SPECTER, I, and others will offer because it will modify the bill and meet some of the objections.

First let me say the bill is very much needed. We have to find the right balance between the free flow of information and the ability of reporters to get that information from those in Government and, at the same time, not be so far in that direction that we allow people to either break the law or harm the security of the United States.

This has been much more difficult than it appears to achieve, but we are very close. The bill codifies and standardizes existing tests used by Federal courts so that journalists, say, in Illinois are not subject to different treatment than journalists in California.

It certainly allows whistleblowers to be protected when they tell somebody about something untoward. We certainly don't want, if a test is being fixed in the FDA because a drug company wants it, to prevent some public servant in the Government from letting a reporter know to prevent harm. But at the same time, there is no absolute privilege and there are exceptions in terms of harming national security, acts of terrorism, and other matters, such as kidnaping or murder.

Again, I will talk about this bill at some length tomorrow. But I do want to go over some of the changes we have made so my colleagues are aware of them before we vote.

As I said, Senator SPECTER and I have put together a substitute which if we adopt the motion to proceed—and I hope we will—we will immediately offer, and that will be the base bill we will discuss. Let me talk about the changes made.

First, the intelligence community had concern that it would be too difficult to prosecute leaks of classified information. The new bill moves consideration of leaks of classified information from section 2 of the bill to section 5, and that removes two major hurdles for Federal prosecutors.

Under the new law, prosecutors will not have to prove any longer that they have exhausted all options for finding the information or that the information is essential to their investigation. These hurdles still remain in the Department of Justice internal guidelines, but the bill is not as strict in that regard.

The bill also no longer requires that the person who leaked the information was authorized to have it.

This substitute clarifies that the act will have zero impact on intelligence gathering under the Foreign Intelligence Surveillance Act. This bill does not affect FISA.

Third, the substitute explicitly provides that sensitive Government information will not be disclosed in open court. There was worry that under a whistleblower law, that might happen. We make it clear that security has to come first, but there also has to be balance in the test.

Four, the definition of a covered person—and this has been one of two areas of some controversy—has been narrowed to ensure that it protects only legitimate journalists, first used in the Second Circuit case of von Bulow v. von Bulow to determine who qualifies as a covered person. Someone who blogs occasionally is not going to get the protection here. Of course, someone on a blog who is a regular journalist but happens to use the blog as a medium will be protected. And that is how it ought to be.

Five, the substitute creates an expedited appeals process ensuring that litigation regarding whether the protection applies will be resolved as quickly as possible. In section 8, we expedite the appeals process.

These are the changes made. They make the bill better. The bill has the support of the journalistic community. It has the support of 41 sitting States attorneys general, both Democrats and Republicans. It is one of those rare bipartisan moments. It has the support of Senator OBAMA and Senator MCCAIN and, of course, passed out of the Judiciary Committee 15 to 4. A similar bill passed out of the House by 398 to 21 and, obviously, it has been endorsed by 100 newspapers. That is easy to say, but in this town both the Washington Post, a more liberal paper, and the Washington Times, a more conservative paper, have endorsed it.

This bill has taken lots of time and lots of work to achieve a careful balance. This is a rare moment, praise God, a broad consensus, and I hope we can move this bill forward tomorrow.

Madam President, I will speak at greater length tomorrow when we are on the bill, but I wanted to let my colleagues know the substitute changes which we will publish in the RECORD this evening so people will have a chance to look at it.

I yield the floor so that my colleague from Iowa can speak.

The PRESIDING OFFICER. The Senator from Iowa.

TAX POLICY

Mr. GRASSLEY. Madam President, 2 days ago, I came to the floor to talk about tax policy and the history of tax policy. I have come to follow up on that speech of 2 days ago to talk about the recent history of speeches that were made in past Presidential elections and the tax policy that was associated with those speeches and in another day or two, come to the floor to speak about the different tax policies between Senator OBAMA on the one hand and Senator MCCAIN on the other hand.

History is very important. Elections have consequences. Policy coming out of an election has consequences and eventually affects real people. The impact upon the voter of past elections, what people said in those elections, what happened after the election in policy, ought to be things people are taking into consideration for the upcoming Presidential election. As to that speech I gave 2 days ago, I want to go back and remind my colleagues of a couple of comments I made at that particular time.

At various times during the past 25 years, we have had times when Democrats have controlled both the Presidency and the Congress. There have been times when the Democrats have controlled Congress and we had a Republican President. And there have been times when we have had both a Republican President and a Republican Congress. Tax cuts or tax increases have resulted from that. And you find a pretty good pattern of when you have both a Democratic Congress and a Democratic President that you have big tax increases, as is the case in 1993—if you remember the big tax increase of 1993.

Then there are periods of time when we have had a Republican President and a Republican Congress and you can see tax decreases—very deep decreases in taxes. Then you have a period of time in here where there was a little flurry—some tax cuts, some tax increases—when we had a Republican President and a Democratic Congress.

So elections do have consequences. Another chart that would show it a little better and more specifically would be this thermometer chart, where we have it very clear that when you have times when you have a Democratic President and a Democratic Congress, you have some of the biggest tax increases in history. And that would be this figure. There are times we have had a Republican President and a Democratic Congress with some tax increases but a little bit less. There are times we have had a Democratic President and a Republican Congress with slight tax decreases.

When you have a Republican President, a Republican Senate, and a Democratic House, you have some tax decreases but not very much. Then you have times when you have a Republican President, a Democratic Senate, and a Republican House, and you have tax decreases but not by very much. Then you have times when you have a Republican President and a Republican Congress and you have deep tax cuts.

So what this chart shows—this thermometer—over the last 25 years, is that if you have Republican Presidents and Republican Congresses you have deep tax cuts. When you have Democrats controlling both the Presidency and the Congress, you have very rapid tax increases. So elections do have consequences.

I want to go now to a period of time of a specific election and the tax consequences that came as a result of that election. But I think you have to realize that the relationship is clear from the past 25 years: the more relative power Democrats have, the higher the probability of a tax increase. So Americans will need to think long and hard about campaign promises of tax relief as they consider their choices in this Presidential election. The reason is that history shows very clearly, if Democrats obtain the White House and control of Congress, taxes are certain to go up. And not just go up on the wealthy but across the board.

Today, I would like to follow up last week's discussion. This week, I want to focus on a campaign season most like this one and take a look at how the victors in that campaign used their taxing power once sworn in. The period I am thinking about is 16 years ago. Well, in 16 years you can learn a lot from history, and I think people ought to be reminded of it.

But before I get into details, I would like to say that I hope this election doesn't go the same way that it did 16 years ago because President Bill Clinton was elected. I want people to be clear that I am pulling for a Republican colleague, Senator MCCAIN, to defeat another one of our Senate colleagues, Senator OBAMA.

So let's turn the clock back to this time 16 years ago, and I have another chart. This chart considers the story of Rip Van Winkle, which I think is very appropriate during this period of time. You know the story about Rip Van Winkle. He was a person who slept for 20 years. Here is the chart showing Rip Van Winkle.

If you round up just a little bit, it is almost 20 years since that 1992 campaign, and you will see from this chart those events from a while ago might have led to a form of tax hike amnesia.

If we go back to the 1992 campaign—and I will show you eventually how this is pretty appropriate to the campaign coming up—in 1992, you find a very charismatic, a very likable, a very articulate young Governor from Arkansas barnstorming across the country. Bill Clinton was 46 years old, facing a 47th birthday in mid-August. He was widely acknowledged as the most talented public speaker on the Presidential scene since Ronald Reagan.

America had been in a recession at that time. Although it was not reported until after the election, which is something you might expect from our liberal media, the American economy had recovered in the latter half of 1992, but it was not officially announced until the day after the 1992 election, when all of a sudden the recession was over, just because of the election. But all during that election, reading the media, you would always be reminded about the recession we were in. But magically, election day 1992, 1 day later, and the recession was over.

The charismatic Democratic Presidential candidate promised to focus, in his words, ''like a laser beam'' on the economic ills that Americans worried about. In a key speech on June 21, 1992,

this ''different kind of a Democrat'' laid out his economic plan. He called the plan ''Putting People First.'' I am going to focus in a laser-like way on then-Governor Clinton's tax agenda that he announced for that 1992 campaign.

In that speech, candidate Clinton was very critical of the marginal tax rate relief that President Reagan had put into effect. To quote candidate Clinton:

For more than a decade, this country has been rigged in favor of the rich and the special interests.

And we still hear that today.

While the very wealthiest Americans get richer, middle-class Americans pay more to their government and get less in return. For 12 years, the driving idea behind American economic policy has been cutting taxes on the richest individuals and corporations and hoping their new wealth would ''trickle down'' to the rest of us.

That is a quote from his speech of June 21, 1992.

As a relief from this version of the middle-class squeeze, candidate Clinton proposed middle-income tax relief, and here is what he said:

Middle class tax fairness. Virtually every industrialized nation recognizes the importance of strong families in its Tax Code. We should too. We will lower the tax burden on middle class Americans by forcing the rich to pay their fair share. Middle class taxpayers will have a choice between a children's tax credit and a significant reduction in income tax rate.

Now, doesn't all of this sound very familiar to speeches that are going on this year? I have quoted from a June 21, 1992, speech given by candidate Clinton, but you would think that you are hearing exactly the same thing this year.

Now, let's get down to basic facts. The definitions of rich and middle class are always open. They probably vary from candidate to candidate and everything with intellectual honesty and where you might set rich and where you might set middle class. A person who is rich in Mason City, IA, might be middle class in New York City.

An irony I continue to notice around here relates to this point. It seems as if the politicians from the highest income, highest cost of living, highest taxed States seem to be the most obsessed with raising taxes on their Presidential candidate's definition of the rich. In this case, I am referring to a single person who makes $125,000, or double it for a married couple to $250,000. That seems to be the dividing line between the rich and other people, according to the 2008 Democratic Presidential candidate.

Now, is $250,000 a rich family in Manhattan? Is $250,000 a rich family in San Francisco? Is $250,000 a rich family in Chicago? Is $250,000 a rich family in Boston? By the definition of Senators from those areas, I guess I would have to say it is. Do those families in those cities know they are rich and that their Senators think they pay too little tax?

But I digress. In candidate Clinton's economic plan that was announced on June 21, 1992, the rich were—put another way—the top 2 percent income earners in the United States. On September 8, 1992, candidate Bill Clinton said:

The only people who will pay more income taxes are the wealthiest 2 percent, those living in households making more than $200,000 per year.

By definition, you would think under candidate Clinton's plan that everybody below that level of 2 percent, or $200,000, is either middle class or low income. Now, remember what I said that he said—the only people who will pay more income taxes are the wealthiest 2 percent—because I am going to show you, after being sworn in, how that turned out to be a heck of a lot more people than the wealthiest 2 percent.

On January 20, 1993, President Clinton was inaugurated. Democrats retained their solid majority, 56 to 44, in this body. Although losing 9 seats in the U.S. House, the Democrats retained a heavy majority of 258 to 176. Once elected, the Democratic White House and the Democratic Congress converted the campaign economic plan, as you would expect them to, into a legislative blueprint. A key feature of the program, the middle-class tax cut, was thrown to the side.

On January 14, 2003, at a press conference, President-elect Clinton stated:

From New Hampshire forward, for reasons that absolutely mystify me, the press thought the most important issue in the race was a middle-class tax cut. I never did meet any voter who thought that.

Now, how do you reconcile the contents of the economic plan and the shift in position after the election? Pulitzer Prize winning author Bob Woodward—who I think has a great deal of respect among most people of the Senate—wrote a comprehensive book about the first part of the Clinton administration. It was titled ''The Agenda.'' Mr. Woodward, of the Washington Post, described it this way:

While Clinton continued to defend his middle-class tax cut publicly, he privately expressed the view to his advisers that it was intellectually dishonest.

That is Woodward saying that, not CHUCK GRASSLEY. The late journalist, Michael Kelly, in an article in the New York Times, explained how the newly elected President planned to ''escape'' from his middle-class tax cut campaign promise. Here is what Mr. Kelly wrote, in part:

[T]he President built himself an escape hatch a little less than a month before Election Day. Every time Clinton said ''I'm not going to raise taxes on the middle class,'' he always added the phrase ''to pay for my programs,'' said a chief political adviser to the President, who spoke on condition of anonymity. He never, never, said just, ''I will not raise taxes on the middle class.'' He always said ''I will not raise middle-class taxes to pay for my programs.''

Madam President, I want to have Mr. Kelly's article printed in the RECORD. I ask unanimous consent to do that.

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

[From the New York Times, Jan. 26, 1993]

POLITICAL MEMO; RE-EXAMINING THE FINE PRINT ON CLINTON'S TAX PROMISES

(By Michael Kelly)

At a time when the public has repeatedly shown its distaste for the maneuvers and machinations of politics, President Clinton's White House is banking on a five-word loophole to save it from voter outrage should Mr. Clinton propose a broad-based energy tax.

During the campaign, Mr. Clinton promised tax cuts for the middle class. Now Mr. Clinton and his chief economic advisers are backing away from the tax cut and strongly hinting that an energy tax will hit the middle class the hardest.

''They campaigned on a middle-class tax cut and then four days into a new Administration the chief economic spokesman is talking about a middle-class tax increase,'' said Robert S. McIntyre, director of Citizens for Tax Justice, a liberal research group. ''That's a flip-flop.''

Although Vice President Al Gore and Treasury Secretary Lloyd Bentsen have mentioned the possibility of an energy tax in recent interviews, the President and his advisers insisted today that their economic plan was still under discussion and that no decision had been made.

Still some Clinton advisers say they are not worried about public outrage. They say the President built himself an escape hatch a little less than a month before Election Day.

''Every time Clinton said 'I'm not going to raise taxes on the middle class,' he always added the phrase ''to pay for my programs,'' said a chief political adviser to the President, who spoke on the condition of anonymity. ''He never, never, said just, 'I will not raise taxes on the middle class.' He always said 'I will not raise middle-class taxes to pay for my programs.' ''

By this logic, the adviser said, Mr. Clinton's legalistic construct was a ''distinction with a difference'' that allows him ''the opportunity he now has'' to raise taxes without incurring voter wrath.

But of late that sort of politics-by-loophole has not been playing well.

In 1990, President George Bush signed an agreement with Congress that obliged him to break his ''read my lips'' campaign promise of 1988 not to raise taxes. Mr. Bush and his advisers reasoned that voters had never taken his promise seriously in the first place and would forgive its being breached. The voters reacted with far more anger than understanding, and Mr. Bush never regained their trust when the economy turned sour.

In recent weeks, the gulf between Washington's view of what constituted acceptable behavior and that of many voters was again demonstrated in the matter of Zoe Baird. Mr. Clinton pressed forward with his choice of Ms. Baird as Attorney General despite the disclosure that she had once hired illegal aliens. Mr. Clinton and his advisers figured voters would forgive Ms. Baird what they considered a small transgression in an otherwise impressive career.

The voters, recalling Mr. Clinton's emotional promises to run a Government for the ''people who pay their taxes and play by the rules,'' saw him as trying to give a break to a rich woman who had done neither and forced Ms. Baird's withdrawal. Some See a Liability.

Mr. Clinton's aides know full well that Mr. Bush's mistake helped cost him his job. But they still contend that Mr. Clinton is protected by his escape clause. ''People won't get away with saying Clinton promised that

he was not going to raise taxes and then did,'' the adviser said. ''He had many opportunities to make a 'read my lips' statement, and he did not.''

Some outside the Clinton camp disagree strongly with that logic, however.

Kevin Phillips, a Republican political analyst who charted the rise of middle-class anger in the late 1980's and spared no criticism of Mr. Bush's broken promises, said: ''At the most recent count, only 800,000 Americans were lawyers, and I don't think the 248 million or so who are not lawyers are going to buy a caveat stuck on in the middle of a passionate plea to the middle-class voters that they should vote for him because he was going to save them. Talk about reading his lips.''

Mr. Clinton introduced the escape clause on taxes for the middle class before a national audience in an Oct. 19 Presidential debate in Richmond. ''I will not raise taxes on the middle class to pay for these programs,'' he said. 'Very Conscious Decision'

Listeners without the benefit of law-school training might have taken that as a pledge to not raise taxes on the middle class. But the President's adviser said Mr. Clinton had purposefully used, and reiterated, the phrase ''for these programs'' to allow himself a way out of what careless voters might have thought they had been promised.

''It was a very conscious decision on his part,'' the adviser said. ''I can tell you this from strategy sessions and debate prep sessions. The idea of a flat-out promise of 'I will not raise taxes on the middle class, period,' was rejected by the President. He refused to allow himself to be boxed in that way.''

The matter of the escape clause illustrates a larger point about Mr. Clinton that has become increasingly Obvious: It is always wise to read the fine print. The fine print of Mr. Clinton's promise on the tax cut for the middle class was quite different from the broad thrust of his oratory on the subject.

For a year, the Democrat campaigned on a platform of economic renewal in which the Federal deficit could be halved in four years rather painlessly by raising taxes on rich people and foreign corporations and by improving the way Government programs are managed.

In ''Putting People First,'' Mr. Clinton's often-touted plan for American renewal, the candidate promised: ''We will lower the tax burden on middle-class Americans by asking the very wealthy to pay their fair share. Middle-class taxpayers will have a choice between a children's tax credit or a significant reduction in their income-tax rate.''

On July 13, speaking to reporters in New York, Mr. Clinton said flatly, ''I'm not going to raise taxes on the middle class,'' according to reports by The Chicago Tribune and the Reuters news service. On the same day, in an interview shown by Cable News Network, he said, ''I don't think we should raise middle-class individuals' taxes, because their income went down and their tax rates were raised'' in the 1980's.

But in the fall campaign, when his words were scrupulously followed by a larger audience, Mr. Clinton took more care. After the Richmond debate, he regularly re-stated the position that his promise to the middle class was only that he would not raise their taxes ''to pay for these programs.''

Mr. GRASSLEY. While the middle-class tax cut was discarded, the definition of the group subject to a tax increase, ''the rich,'' expanded. According to a distribution analysis by the nonpartisan Joint Committee on Taxation, the taxpayers above $20,000 in income received a tax increase. So no longer was it just taxing the top 2 percent richest people in America. That was when you were campaigning for President. When you get to be President, it is $20,000.

It was true that taxpayers above $200,000 go up far more than other groups. But generally taxpayers above $20,000 saw their taxes rise.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of the joint tax distribution analysis of the 1993 tax bill.

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

DISTRIBUTIONAL EFFECTS OF THE REVENUE PROVISIONS CONTAINED IN THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AS AGREED TO BY THE CONFEREES

[103 income Levels]

Expanded income class [1]	Present-law Federal taxes [2] Billions	Present-law average tax rate [3] Percent	Proposed change in tax burden [4] Millions	Burden change as a share of income Percent
Less than $10,000	$9	10.4	−$1,152	−1.28
10,000 to 20,000	39	11.9	−993	−0.30
20,000 to 30,000	72	17.0	94	0.02
30,000 to 40,000	86	19.1	949	0.21
40,000 to 50,000	93	20.9	1,271	0.29
50,000 to 75,000	201	22.3	3,517	0.39
75,000 to 100,000	120	24.6	2,653	0.54
100,000 to 200,000	142	26.6	4,598	.85
200.000 and over.	168	30.2	29,663	5.39
Total, all taxpayers	$930	22.1	S40,800	0.97

[1] The Income concept used to place tax returns into income categories is adjusted gross income (AGI) plus: [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, . [3] employer share of FICA tax, [4] workers' compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] corporate income tax liability attributed to stockholder, [8] alternative minimum tax preference items, and [9] excluded income of U.S. citizens living abroad.

[2] Includes individual income tax, FICA and SECA tax, excise taxes, estate and gift taxes, and corporate income tax.

[3] Present-law Federal taxes as a share of expanded income.

[4] includes all revenue invasions except individual and corporate estimated tax changes, Information reporting for discharge of Indebtedness, targeted jobs credit, capital gains incentives, provisions affecting qualified pension plans, mortgage revenue bonds, low-income housing credit, luxury tax provisions, excise tax on diesel fuel used in noncommercial motorboats, empowerment zones and enterprise communities, vaccine excise tax, GSP and FUTA extensions, transfer of Federal Reserve funds, deduction disallowance for certain health plans, orphan drug credit, and diesel fuel compliance.

Mr. GRASSLEY. That comprehensive tax increase went into effect on the strength of Democratic votes only. I was here and I remember that. You could look at it as the consequences of the confidence in the large Democratic majorities in Congress, and a newly elected Democratic President. Basically, however, there was no check on one political party's agenda. If that agenda is to raise taxes and increase spending, then it is not a surprise.

Mr. Kelly's article notes the adverse reaction of a prominent player of the leftwing in this town. This is a Mr. Robert S. McIntyre, who was very active in causes that you consider liberal. Quoting from Mr. Kelly's article, this is what Robert S. McIntyre, director of Citizens for Tax Justice, a liberal research group, had to say.

They campaigned on a middle-class tax cut and then four days into a new Administration the chief economic spokesman is talking about a middle-class tax increase. That's a flip-flop.

That is the end of the quote of Mr. McIntyre, quoting from Mr. Kelly's article.

Most folks are unhappy about flip-flopping politicians. Fishermen may like a flip-flopping fish that they brought into the boat. This photo is the best fish I could find to demonstrate that. That is about the only kind of flip-flopper that would be received positively. If a politician flips from a tax cut promise to a tax hike, you can bet most folks will consider that move a flop in more ways than one.

All of this happened almost 16 years ago, but it is relevant for this year as we go into a debate on taxes for this campaign. During almost 14 years since Republicans have held either the White House or the Congress or both—and this chart shows, as I pointed out once before, Congress and the President have generally reduced the tax burden. That is during this period of time, when Republicans controlled both the House and the Senate.

It has been a long time, almost 15 years since the American people have seen a large tax increase, going back to the period of time when the Democrats controlled both the Presidency and the Congress.

Then I remember right here on the floor, because I was here when he said it, the then-Finance Committee chairman Pat Moynihan termed the 1993 tax bill:

. . . the largest tax increase in the history of public finance in the United States or anywhere else in the world.

Philosopher George Santayana said words to the effect that history repeats itself, and if you do not learn from history, you are bound to repeat the mistakes of the past. A risk Americans face, if we hand over all the reins of power to the Democratic Party, is to repeat the history of 15 years ago.

I am a Republican. I know what polls show. They show right now that the

electorate trusts Democrats more than Republicans on tax policy. But the 1992 campaign shows that if you listen too much to what is said in the campaign, it doesn't necessarily come out that way in the election. So I raise the question, during the debate of 2008, in the Presidential campaign, are we headed in the same direction? Are we going to hear all the talk about taxing nobody but the rich but end up doing as we did in 1993, taxing the middle class?

Our tax increase amnesia may lead us in that direction. We could find ourselves then being like Rip van Winkle. We will hear dreamy rhetoric about hope and about change. It will be clothed in a slumber of middle-class tax relief and tax increases on only the rich, as it was in the campaign of 1992. We could awaken from that slumber, our tax increase amnesia would probably fade, we could wake up to another world record tax increase.

I know what the folks who put in place that world record tax increase will say. They will defend it by arguing that it cut the deficit. They will argue that by cutting the deficit and moving to a surplus, that interest rates dropped. While it is true the fiscal situation went from deficit in 1992 to surplus in 1999, there were many other factors involved and a tax increase was not the biggest reason for it.

First, supporters of the 1993 bill touted it as a dollar of spending cuts matched by a dollar of tax increase. If you were a taxpayer, wouldn't you buy that? Pay one more dollar and get a dollar decrease in expenditures? But, you know, it doesn't work out that way. A close look at the numbers shows the bill contained $4 of tax increase to every $1 of spending cuts.

I ask unanimous consent to have a summary of the Senate Finance Committee Republican staff analysis dated June 28, 1993, printed in the RECORD.

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

COMPARISON OF TAXES/FEES, SPENDING CUTS AND RATIOS IN FINAL BUDGET RECONCILIATION BILL

[In billions of dollars over five years]

	Democrats	Republicans	In this bill
Taxes and User Fees:			
1. Net Tax Increases	$240	$240	$240
2. User Fees	0 (with mandatory spend. cuts)	15	15
3. Total-Taxes & Fees	240	255	255
Net Spending Cuts:			
1. Mandatory programs	88	65	55
2. Cap on discretionary programs	102	66	0
3. Spending outside of caps not in this bill	0	−11	0
4. Interest savings	65	*0	0
5. Total-Spending cuts	255	120	65
Ratio of taxes/fees to spending cuts	.94 to 1	2.13 to 1	3.92 to 1

Preliminary estimates as of August 4, 1993.

*Note: Republicans believe the interest savings are about $53 billion, not $65 billion as claimed by the Democrats. Zero is shown in the chart because interest savings are not counted as a spending cut in figuring the ratio.

Mr. GRASSLEY. I have another chart to back up what I say, that the tax increase was not responsible for the deficit going down. The chart shows the source of deficit reduction from 1990 through the year 2000. The tax increase represented only 13 percent, just 13 percent of the deficit reduction during that period. Other revenue, mainly from economic growth and defense spending cuts, made the deficit decline.

Even with the 1993 bill in effect, 2 years later the Congressional Budget Office projected President Clinton's budget as producing significant deficits as far as the eye could see.

But several events not related at all to the 1993 tax increase pushed the budget toward surplus until 1999. First, Republicans attained control of Congress in 1994 and made a deficit reduction a priority. Year after year, Republican Congresses resisted Democratic efforts to spend over tight budget caps placed in the Republican budget. Most often, President Clinton would extract additional spending in the end deal. Republican resistance, however, to popular Democratic spending proposals often had political consequences for Republican Members.

Second, revenues, especially capital gains revenues, grew after the bipartisan Tax Relief Act of 1997. The centerpiece of that bill was, ironically, a middle-class tax cut in the form of a $500-per-child tax credit. The child tax credit was a fundamental part of the Republican Contract With America.

Another key component of that bill was a reduction in the top capital gains rate from 28 percent down to 20 percent. It is down to 15 percent now, as a result of the 2003 tax bill, but then it went from 28 down to 20 in 1997.

As I said, there was a widely documented significant growth in capital gains revenue after that rate reduction in 1997, as there was with the rate reduction in 2003. Indeed, even the Clinton Treasury scored the reduction as a revenue raiser and was more than vindicated.

Finally, external factors aside from tax policy led to revenue growth. Free trade opened more markets to American goods and services. The Internet bubble started to form. It was burst in 2000 with the collapse of the NASDAQ and the business cycle yielded an economic expansion after the 1991 recession ended.

Economist J.D. Foster has documented this data. I commend to my colleagues WebMemo dated March 5, 2008, available on the Internet at www.heritage.org/Research/Taxes/wm1835.cfm.

At the end of the day, the justification for the tax flip-flop in 1993 mattered not one whit. Supporters of the 1993 tax hike can offer whatever reason they want for the record tax increase. A flip-flop of that size is, in fact, a flip-flop.

What they cannot dispute is their Presidential candidate promised a middle-class tax cut. Once they had the White House and congressional control, the other side abandoned the tax cut promise, raised taxes on Americans—not just above $200,000 a year but from $20,000 up.

That is not a tax cut. That is a middle-class tax increase. So, once again, like Rip Van Winkle, taxpayers do not want to wake up to that tax increase.

As a minimum, as the Presidential campaign unfolds, Americans need to keep this very clear history in mind. We need to probe the candidates in 2008 on where they want to go on tax policy so what they say in 2008 is done in 2009, not a repeat of what was said in 1992 and what was done in 1993. We need to be careful not to leave escape hatches on favorable sounding tax cut campaign promises.

In that vein, I will follow up on this discussion and the prior discussion with a later speech that concentrates on where each Presidential candidate stands this year on tax issues. I will examine these positions in the light of this history I have discussed—of the likelihood of each side, whether they will deliver on campaign tax policy positions.

To sum up, we are hearing from a very articulate and attractive Democratic Presidential candidate. On tax issues, as we heard 16 years ago from the soon-to-be President at that time, Bill Clinton, we are hearing a proposal to tax the rich this year to provide tax cuts for the middle class. We are hearing that this year.

The Presidential candidate on the Republican side has a different message. We need to explore that as well. His message, consistent with a Republican position for almost 30 years, has

been to continue progrowth, low levels of taxation. In light of history I look forward to discussing the two competing visions of tax policy in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent to speak for up to 10 minutes, to be followed by Senator WHITEHOUSE from Rhode Island for 30 minutes, to be followed by Senator BROWNBACK for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. CRAIG. First and foremost, let me thank the Senator from Rhode Island for his courtesy. We have been moving back and forth throughout the last number of days of debate. My presence on the floor allowed him to offer the courtesy—and I greatly appreciate it—to speak for 10 minutes ahead of him. He would be entitled to be next. I thank him for that.

Let me speak to what Senator GRASSLEY has spoken to briefly in saying that the ranking Republican on the Finance Committee has spoken very clearly on the critical nature of tax policy to the economy. While that is valid, there is a tax at this moment in time that is being charged every consumer in America who buys gasoline at the gas pump. It is the tax of nonproduction. It is the tax of public policy that has denied our great country its continued ability to produce the necessary supply of energy to the phenomenal economy we have.

As a result of our failure to continue public policy that allowed production over the last 20 years, Americans are paying a higher price, a higher energy tax today at the pump than ever in our history; $4.10, $4.15, $4.20 gas is at this moment the No. 1 issue in America, not only taxing the pocketbooks of the average consumer but taxing the average family in a way that they not only feel less secure today because their energy bill has gone up over 20 percent this year but because we have a Congress stalled out at this moment. We have a Senate that is denying its responsibility to the American people to pass public policy that will allow us to continue to produce and, hopefully, drive down the price of oil.

In the absence of that kind of policy, what has happened in the last 6 months as energy prices have gone through the roof? American consumers have driven 40 billion less miles. They are voting with their feet at this moment and voting to stay away from the gas pump. As they stay away from the gas pump, as they drive less, as they conserve, not only are they changing the economy of our country, they are changing their lifestyles. I don't think they are very happy about it. In fact, those I talk to back home in Idaho are very angry about it. But they are having to do something to avoid the phenomenal tax energy has placed on the American family.

What happened in the last 2 weeks? Oil prices, world oil prices have begun to drop. They are dropping not because of increased supply, not because the Senate has done anything, but because the American consumer has said: We can no longer afford this. They are backing away from the pump and changing their lifestyle. It is truly an issue of supply and demand. Supply hasn't gone up in the last several months but demand is dropping.

Not only is demand dropping in our economy, it is dropping in Western Europe. It is dropping in Spain and Denmark, where there are significant recessions or downturns in the economy underway. In China and India, which have become the new large consumers of oil, our economy's slowdown is going to situate a slowdown in the Chinese economy, which has become a major supplier of goods to the American economy. That is just around the corner.

So are we going to be lulled into a sense of false security if energy prices over the course of the next several months drop below $4 a gallon and into $3 a gallon? Will the American consumer heave a sigh of relief and say: Crisis over?

I hope they don't. Here is why I hope they don't. It is very clear from this graph. This is a graph from 1890 to 2030 about the overall supply of oil in this country. Starting in about 1950, a very interesting pattern emerged that grew rapidly until today, when we buy our oil, 70 percent of it, from some other country; in other words, we don't supply it. We could supply it. We have the oil reserve under the ground. But for political purposes, we have denied ourselves, our market, our producers the right to go there and get it. Here is what has happened. The dependency has grown so that we are now nearly 70 percent dependent on foreign sources of oil. We are less secure today. We get whipsawed in the world market because oil is priced as a world commodity and now, in the last decade, China and India have entered the market in ever greater demand.

What I want to show next is a bit of a complication but it is true in the oil markets of today. Why do I know about it? I have been in Congress 28 years. I have spent a fair amount of time dealing with energy. All during that time, I have argued that if you don't produce, someday something would happen—it is called a breakpoint—that breakpoint would occur, and American consumers would all of a sudden find a phenomenal ramp-up in the price of energy at the pump, that tax I am talking about, that 20 percent hike in the cost of energy that American public policy produced for the American consumer in the last year.

Here is the chart. The dark area is U.S. production from 1970 to 2005. That is what we were producing. I shouldn't say just U.S. production; it was overall world demand production. What is interesting about it, this little green margin at the top was surplus supply. In other words, it was available. The market wasn't demanding it, but if the market demanded it, you could turn on a pump, turn a valve on a well somewhere in Saudi Arabia, probably, or maybe Venezuela, and you had spare capacity in the market. But as you will notice, this green margin, this spare capacity margin in world supply began to rapidly narrow starting in about 2000 through 2005. That is when China and India were entering the market at ever greater capacity because their economies were growing. They were becoming more wealthy, and they were using oil as a part of the energy supply to produce the goods and services they were selling to the world market. During that time, we were not expanding world capacity. So the margin, if you will, the bumper wasn't there anymore. Come 2005, we were nearly at a breakpoint. Beyond that, here is the rest of the story, and we know it today. There is no spare capacity out there. There is no way we can offset increased demand. So consumers in America and all over the world are starting to compete for the substance of oil by higher prices.

That is why for the last 2 weeks we have been on the floor talking about the ability to increase supply against ever-growing demand. But the market forces are at work. That demand has slipped off a little bit. Why? Because of that high tax at the gas pump. That doesn't mean it will go away, not at all. China and India are still consuming at ever-higher rates. They are simply going to grab that which we are not using today in the world market. So when our consumers want to come back to the market, when prices drop a little bit, will there be more oil in the market? There is a strong possibility there may not be, unless this Congress recognizes the error of its ways and allows us to get into the business of production again.

We have put off limits all around the United States vast quantities of oil that I and the world believe we ought to be producing. Guess what the American consumer is saying. In the State of Florida, where maybe a year ago or 2 years ago, 70 percent of Floridians would have said: Don't drill off our shore, I am being told by legitimate polling today that 70-plus percent of them are saying: Drill, produce. In fact, we believe that by the end of the week or early next week, the American people will see credible polling data that says nearly 80 percent of the American people are saying: You go produce that oil. Why are you asking foreign nations to supply it? We have the oil. Why aren't we drilling it?

You hear the argument here on the floor: My goodness, it would take 4, 5, 6 years to bring that oil online. I suggest that it wouldn't take 4 or 5 or 6 years. We know the oil is there, maybe 2 billion barrels of oil and literally hundreds of trillions of cubic feet of

gas. Here are the pipelines. Here are refineries. Here is the infrastructure that could take this oil immediately out of what we call the eastern Gulf of Mexico, off the coast of Florida, and bring it into production within 2 to 3 years.

What does the marketplace say? What does that buffer out there, that green line on that other chart say, if, in fact, we were to do that? It would say: My goodness, there is now potentially spare capacity in the market, and prices begin to drop. No, we can't produce our way out of a crisis, but we can lessen the crisis while the American economy and technology are taking us to new forms of energy and to new ways to supply transportation.

I hope the Senate faces the reality that we have to get this country producing again. If we do, we can say to the American consumer: We will lower your tax burden at the gas pump, and we are going to create once again the kind of flexibility the American consumer has in their family budget. You lower the gas price, you lower the tax at the pump. That is the reality of what we are doing. It is a very real tax today. It has frightened the American consumer, and it has put our Nation in a state of insecurity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

EPA ADMINISTRATOR STEPHEN L. JOHNSON

Mr. WHITEHOUSE. Madam President, I rise to speak about a matter that I very much regret being here to discuss, but events have driven me to this point and, with me, the chairman of the Environment and Public Works Committee, Mrs. BOXER, Senator KLOBUCHAR, and others as well.

For most of its nearly four-decade history, Americans could look to the Environmental Protection Agency for independent leadership, grounded in science and the rule of law. It was an agency whose clear mission was to protect our environment and health.

At its very founding, EPA's first Administrator, William Ruckelshaus, stated unequivocally:

> EPA is an independent agency. It has no obligation to promote agriculture or commerce; only the critical obligation to protect and enhance the environment.

During the tenure of Administrator Stephen Johnson, we have seen that clear mission darkened by the shadowy handiwork of the Bush White House, trampling on science, ignoring the facts, flouting the law, defying Congress and the courts, while kneeling before industry polluters, and all for rank and venal purposes. Under Administrator Johnson, EPA is an agency in distress, in dishonor, and in bad hands.

Events last week have shed new light on the extent of the damage done to this great agency, but the evidence of Mr. Johnson's dismal record has been growing for many months. The charges are serious and fall in three separate categories: his repeated decisions putting the interests of corporate polluters before science and the law, even when it puts at risk our environment and the health of American people; his deliberate actions to degrade the procedures and institutional safeguards that sustain the agency; and his apparent dishonesty to us in testimony before Congress.

The particulars are these. Count 1: On pollution from ozone, the EPA, under Administrator Johnson, departed from the consistent recommendations of agency scientists, public health officials, and the agency's own scientific advisory committees and instead set an ozone standard that favored polluters. The standard he set was inadequate to protect the public, especially children and the elderly, from the harmful effects of ozone pollution, from asthma and lung disease.

Indeed, it was so inadequate that EPA's own Clean Air Scientific Advisory Committee took the unique step of writing to the Administrator to state that they ''do not endorse the new primary ozone standard as being sufficiently protective of the public health'' and that the EPA's decision ''fail[ed] to satisfy the explicit stipulations of the Clean Air Act that you ensure an adequate margin of safety for all individuals, including sensitive populations.''

Setting this inadequate ozone standard against the evidence was a dereliction of Administrator Johnson's duty to the Agency he leads and of EPA's duty to protect the health of the American people.

Count 2: On pollution from lead, Administrator Johnson has proposed a standard that fails to sufficiently strengthen the regulation aimed at limiting exposure to lead pollution.

Lead has poisoned tens of thousands of children in Rhode Island and many more all over the country. Both an independent scientific review panel and EPA's own scientific staff recommended a lead standard of no greater than 0.2 micrograms per cubic meter. Yet Administrator Johnson proposed a range of 0.1 up to .05 micrograms—2½ times.

Mr. Johnson further diluted even that lax standard by using what public health advocates have labeled ''statistical trickery''—statistical trickery—allowing polluters a longer period of time over which to average the amount of lead they discharge into the air.

Again, by not adequately protecting children from lead, Administrator Johnson was derelict in his duty to his Agency.

Count 3: On pollution from soot, technically called ''particulate matter,'' Administrator Johnson bowed to pressure from industry and failed to strengthen a decade-old standard limiting particulate matter pollution from smokestacks.

Again, the Agency's own scientific advisory committees had called for a tougher standard to protect public health. Again, Administrator Johnson yielded to polluters. Again, Administrator Johnson failed in his duty to the Agency he leads.

Count 4: On vehicle tailpipe emissions, Administrator Johnson denied a waiver that would have allowed the State of California, my State of Rhode Island, and many other States to enact strict restrictions on global warming pollution from automobiles.

EPA staff indicated in briefing materials that ''we don't believe there are any good arguments against granting the waiver.'' EPA lawyers cautioned the Administrator that all of the arguments against granting the waiver were ''likely to lose in court.'' Yet Administrator Johnson issued an unprecedented denial of that waiver.

I will separately discuss my grave concerns about the Administrator's testimony on this matter. I believe he has lied to us. But for this purpose now, looking only at the substantive outcome, in ignoring the law, the dictates of science, the recommendations of his regulatory and legal staff, the role of Congress, the wishes of the States, and the welfare of the American people, Administrator Johnson failed again in his duty to the Agency he leads.

Count 5: On global warming pollution, in defiance of the Supreme Court's decision in Massachusetts v. EPA, Administrator Johnson has failed to take action after the Court's ruling that EPA has the authority, under the Clean Air Act, to regulate greenhouse gas emissions that pollute our air and warm our planet.

It is now nearly 18 months since the Court's decision, and the EPA has shown no indication it will act before President Bush leaves office. In ignoring a ruling of this Nation's highest Court empowering him to act on a matter important to the public health of Americans, Administrator Johnson again failed in his duty to the Agency he leads.

But it was not enough for Administrator Johnson to rule for the polluters on pollutant after pollutant.

Administrator Johnson has also systematically dismantled institutional safeguards and processes that protect his Agency's integrity and guide its mission.

Jonathan Cannon served at EPA during the Reagan, George H.W. Bush, and Clinton administrations. He warns of ''extreme friction within the agency and institutional damage . . . demoralizing the legal staff, and . . . further separating staff from the political leadership at the agency.'' We saw similar sabotage of institutional safeguards in the Gonzales Department of Justice, and this institutional damage raises four further charges, taking us to count six.

On the question of the Agency's legal integrity, under Administrator Johnson, the EPA offered legal arguments for its insufficient pollutant standards so shallow they provoked ridicule by the courts that heard them. When EPA tried to defend its weak mercury cap-and-trade system, the DC Circuit Court of Appeals—which, as we know, is hardly a liberal bench—accused the Agency

of employing the ''logic of the Queen of Hearts'' in attempting to evade the intent of Congress and the clear meaning of the Clean Air Act.

The same court said EPA's argument under the Clean Air Act allowing power companies to avoid upgrading their pollution control technologies made sense only in ''a Humpty Dumpty world.'' In adopting ''Wonderland'' legal analysis that contravenes the clear will of Congress and embarrasses his Agency before the courts, Administrator Johnson failed again in his duty to uphold the mission of the Agency he leads.

Count 7: On the integrity of EPA's scientific advisory boards, Administrator Johnson did not just ignore these boards' recommendations, he willingly allowed those panels to be infiltrated by the very industries they are meant to regulate and control.

For example, an employee of ExxonMobil served on the panel to assess the carcinogenicity of ethyl oxide—a chemical manufactured by ExxonMobil.

Another scientist received research support from Dow Agro and served on that panel, even though ethyl oxide is also manufactured by Dow Agro.

A scientist whose research was funded by American Cyanamid and CYTEC sits on the EPA panel on acrylamide, which is manufactured by American Cyanamid and marketed by CYTEC. EPA did not see any conflict of interest.

But at the beck and call of the American Chemistry Council, an industry lobby group, Administrator Johnson removed Dr. Deborah Rice, a prominent toxicologist, from a scientific review board investigating chemicals used in common plastic goods.

The industry argued that she had a conflict of interest. Incredibly, the conflict of interest was that, at a public hearing in the State of Maine, as a representative of the State's Government, Dr. Rice had stated her professional opinion regarding the dangers associated with these chemicals. The industry did not like her professional opinion. Not only was Dr. Rice removed from the panel, but in a particularly Orwellian maneuver, the fact that she had ever been on the panel was stricken from the advisory committee's records.

In packing EPA's scientific panels to please industry polluters, Administrator Johnson is guilty of a particularly chilling dereliction of his duty to the Agency he leads.

Count 8: A report issued on April 23 by the Union of Concerned Scientists, entitled ''Interference at the EPA,'' uncovered widespread political influence in EPA decisions. The report found that 60 percent of EPA career scientists surveyed had personally experienced at least one incident of political interference during the past 5 years—60 percent of the career scientists. It is a plague over there.

The report documented, among other things, that many EPA scientists have been directed to inappropriately exclude or alter information from EPA science documents, or have had their work edited in a manner that resulted in changes to their scientific findings.

The survey also revealed that EPA scientists have often objected to or resigned or removed themselves from EPA projects because of that pressure to change scientific findings.

Allowing this corrosive political influence to persist among the career scientists at EPA is yet another dereliction of Administrator Johnson's duty to the Agency he leads.

Count 9: Administrator Johnson has twisted the very administrative procedures of the Environmental Protection Agency to allow the White House Office of Management and Budget secret influence over Agency decisionmaking.

For example, the IRIS process for determining the toxicity of chemicals that all of us are exposed to allows OMB three separate chances to exert its dark influence: at the beginning, in the middle, and again at the end of the Agency's process. In the words of the GAO, this process is ''inconsistent with the principle of sound science that relies on, among other things, transparency.''

This is not just a potential concern. The current chair of EPA's Clean Air Scientific Advisory Panel has testified that the ozone standard was ''[set] . . . by fiat behind closed doors,'' has testified that the entire Agency's scientific process was ''for naught,'' and testified that ''the OMB and the White House set the standard, even though theoretically it was set by the EPA Administrator.'' She testified that as a result, ''willful ignorance triumphed over sound science.'' That is her testimony.

In manipulating his Agency's processes to let willful ignorance triumph over sound science, Administrator Johnson has again been derelict in his duties to this once proud Agency.

The third and final category of charges relates to Johnson's relationship to Congress. In defiance of his charge under the Constitution of the United States, Administrator Johnson has personally repeatedly refused to cooperate with Congress in our efforts to conduct proper oversight over the executive branch.

The Senate Environment and Public Works Committee has repeatedly requested documents in connection with EPA's denial of the California waiver and its failure to adequately regulate ozone pollution in our efforts to determine whether the White House improperly influenced these decisions.

Administrator Johnson has rebuffed these proper requests. He has repeatedly declined to appear before the EPW Committee to explain his Agency's policies. And when he has appeared, he has resorted to canned, stock, evasive answers in response to legitimate questions about political influence infiltrating his Agency.

Just last week, he refused to appear before the Judiciary Committee on which I also serve for a hearing to look further into his failure to cooperate with Congress and provide documents and other information we have sought.

In what is perhaps the gravest matter of all, I believe the Administrator deliberately and repeatedly lied to Congress, creating a false picture of the process that led to EPA's denial of the California waiver, in order to obscure the role of the White House in influencing his decision.

Today, Senator BOXER and I have sent a letter to Attorney General Mukasey—along with Senator KLOBUCHAR—asking him to investigate whether Administrator Johnson gave false and misleading statements, whether he committed perjury, and whether he obstructed Congress's investigation into the process that led to the denial of the California waiver request.

I ask unanimous consent that the letter and its attached recitations be printed in the RECORD as an exhibit to these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WHITEHOUSE. There is more. These are not isolated counts but signs of an agency corrupted in every place the shadowy influence of the Bush White House can reach.

Administrator Johnson forced the resignation of EPA's Regional Administrator for the Midwest, Mary Gade, who was locked in a struggle with corporate polluter Dow Chemical Company. The circumstances are highly suspicious. Administrator Johnson has replaced Ms. Gade with a former attorney for the automobile industry, whose record on behalf of the environment has been described as ''horrible.''

The EPA, under Administrator Johnson, has reduced the reporting burdens on industries that release toxic chemicals into our land, sea, and air. It has weakened enforcement and monitoring by opening fewer criminal investigations, filing fewer lawsuits, and levying fewer fines against corporate polluters.

It has failed to protect agency employees who pointed out problems or reported legal violations or attempted to correct factual misrepresentations made by their superiors and created an atmosphere where employees fear reprisals.

In the face of widespread criticism that his agency is in crisis and that he is a pawn of the White House and its allies in polluting industries, Administrator Johnson's response was to label all those concerned, many of whom are dedicated career employees of his agency, as ''yammering critics,'' clearly a man after Spiro Agnew's own heart.

The EPA has a vital mission. When this great agency is weakened and its work subverted by political interference, there is a great cost to this country. When EPA scientists and career employees become discouraged as their voices go unheard, there is a great cost to this country. When the

people of America lose faith that the Environmental Protection Agency actually lives up to its name, there is a great cost to this country. When those who were chosen to serve this country instead serve themselves, their political allies, and their patrons, there is a great and lasting cost to this country. It is a failure of integrity, and that is a failure we can no longer afford.

We demand integrity—democracy demands integrity—of our public officials, not just because integrity is an abstract moral good but because democracy fails without it.

Integrity sustains our democracy in such important ways. The first is integrity to the truth. In Government, when the facts are clear enough for responsible people to act, it is a failure of integrity to fail to confront those facts. As the late Senator from New York, Daniel Patrick Moynihan, famously said: ''You are entitled to your own opinion; you are not entitled to your own facts.''

America has traditionally been characterized by candid and practical assessment of the facts, a can-do attitude about responding to those facts, and bold decisionmaking to find our way through those facts. Practical, can-do, optimistic, realistic—that is the American way. When Government doesn't face the truth about the facts, it will almost certainly fail to meet the demands of the moment and fail to serve the interests of our people. That is what is happening at EPA. They simply will not face facts plain to any responsible person.

However, facts are stubborn things. They do not yield to ideology or influence. They do not care about your politics. Unanswered they stand, getting worse, and eventually the piper must be paid. If facts aren't candidly, realistically, and responsibly faced, not only will the problem get worse but the very capacity of the Government to address problems candidly, realistically, and responsibly, that capacity will itself degrade when not put to use. So there are ugly, lasting consequences when Government officials fail at their obligation to meet the truth head on.

Another integrity is to honesty. As failures of truth have a harsh cost in Government, so do failures in honesty. I have sworn in new assistant U.S. attorneys. I have sworn in new State assistant attorneys general. I have presided at nomination hearings. Every time I have seen the same thing: a little spark of fire, a moral fire sparked when someone makes a choice to earn less money than they would otherwise, to work a lot harder than they would otherwise, to dare greater challenges than they might otherwise, all in order to serve the larger purpose, to serve an ideal, to serve America.

This spark of fire inspires young men and women to tackle problems that may seem unmanageable. This spark of fire keeps people at their desks late into the night when others have gone home to their families. This spark of fire brings idealism and principle to decisions and illuminates a moral path through the complexities of Government.

The value in Government of that spark of fire burning in the hearts of a thousand men and women—our real thousand points of light—is immeasurable. EPA is sustained by that spark of fire.

But this spark of fire is quenched in the toxic atmosphere of dishonesty whose guiding principles are help your friends, please your patron, dodge your responsibilities, and fudge the truth. Dishonesty and idealisms do not cohabit.

The third integrity is competence, a vital integrity. If we are to address the present and looming problems a new administration will have to face—a war without end in Iraq, an economy on a sickening slide, a broken health care system, a country divided into two increasingly separate Americas, a public education system that is failing, the dangerous weight of an alarming national debt, foreign policies that have unhinged us from responsible world opinion, bickering and irresolution on problems such as immigration and global warming—we must see competence as a core integrity. We must demand competence of Government officials as a bare minimum, a core necessity.

Unfortunately, as one discouraged official has complained: ''In the Bush administration, loyalty is the new competence.''

Administrator Stephen Johnson is a failure in all these dimensions. From everything we have seen, Administrator Johnson has done the bidding of the Bush administration and its political allies without hesitation or question and in violation of his clear duty. He has tried to cover up his dereliction of duty with evasive and discreditable testimony. He has acted without regard for the law or the determinations of the courts. He has damaged the mission, the morale, and the integrity of his great institution—the Environmental Protection Agency—and he has betrayed his solemn duty to Americans who depend on him to protect their health, particularly our very youngest and our very oldest whose vulnerability is greatest.

Administrator Johnson suggests a man who has every intention of driving his agency onto the rocks, of undermining and despoiling it, of leaving America's environment and America's people without an honest advocate in their Federal Government. This behavior not only degrades his once great agency, it drives the dagger of dishonesty deep into the very vitals of American democracy. The American people cannot accept such a person in a position of great responsibility.

I am truly sorry it has come to this, but that is why this afternoon I called on Administrator Johnson to resign his position. I encourage my colleagues to look closely at these concerns. Look at the reasons. Look at what I have prepared. Whatever decision colleagues may come to, I hope all understand I come to this decision sincerely and after much review and reflection and with no pleasure.

I thank the President, and I yield the floor.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, July 29, 2008.

Hon. MICHAEL MUKASEY,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL MUKASEY: As members of the Senate Committee on Environment and Public Works (EPW), we are writing to ask that you open an investigation into whether the Administrator of the U.S. Environmental Protection Agency (EPA), Stephen L. Johnson, has made false or misleading statements before the EPW Committee.

We do not make this request lightly. However, we believe that there is significant evidence to suggest that Mr. Johnson has provided statements that are inconsistent with sworn testimony and documents provided in connection with an investigation conducted by this Committee. These false, misleading, or intentionally incomplete statements relate to the decision announced by EPA on December 19, 2007, to deny the request by California for a waiver under Section 209 of the Clean Air Act. After Mr. Johnson's testimony, a former senior aide to Mr. Johnson at EPA, Jason Burnett, provided sworn testimony before the EPW Committee on July 22, 2008, that appears to contradict Mr. Johnson's testimony on key factual matters.

For example, Mr. Johnson stated under oath before the EPW Committee on January 24, 2008 that he based his denial of the California waiver request on California's failure to meet the ''compelling and extraordinary'' circumstances criterion under Section 209, and that he reached this decision independently. However, Mr. Burnett testified that Mr. Johnson had in fact determined that California met this criterion and the other Clean Air Act criteria necessary for approval of the waiver, and that the Administration's decision to deny the waiver was based on the President's policy preferences, rather than the lack of compelling and extraordinary circumstances.

In addition, Mr. Johnson testified before the EPW Committee that the decision to deny that waiver was solely his decision. However, Mr. Burnett testified that Mr. Johnson had a plan to grant the waiver and had concluded that the statutory criteria for granting it were met, until it was ''clearly articulated'' by the White House that the President's ''policy preference'' was to deny the waiver.

We also are concerned about Mr. Johnson's testimony that the energy legislation enacted by Congress and signed by the President on December 19, 2007, was not substantively related to his decision announced on the same day to deny the California waiver, which he asserted was based upon his finding that the waiver did not meet the Clean Air Act statutory criteria. Mr. Burnett testified, however, that Mr. Johnson had required extensive analysis of the impact of this energy bill in evaluating whether to grant the waiver, and that it was the President's policy preference that led to the denial of California's waiver request, because granting the waiver or a partial grant of the waiver would have led to two standards, not one, as the President desired. The energy bill established a single standard for vehicle fuel efficiency, as the President desired.

It appears that Mr. Johnson's account of the California waiver decision is factually inaccurate or misleading. We take the inconsistency between Mr. Johnson's testimony and other evidence very seriously. False testimony by any witness is serious and undermines our ability to fulfill our constitutional duties on behalf of the American people. Our concern is heightened because this decision by the EPA Administrator affects the health and wellbeing of the American people. For these reasons, we have no choice but to refer the matter to you for appropriate investigation and prosecutorial action.

We look forward to your prompt response on this matter.

Sincerely,

BARBARA BOXER,
Chairman.
SHELDON WHITEHOUSE,
U.S. Senator.
AMY KLOBUCHAR,
U.S. Senator.
FRANK R. LAUTENBERG,
U.S. Senator.

EPA ADMINISTRATOR JOHNSON'S TESTIMONY BEFORE CONGRESS ON THE CALIFORNIA WAIVER DECISION

Specifically, the concerns we have regarding Administrator Johnson's testimony arise out of conflicts between his testimony before the EPW Committee, and that of Jason Burnett, a former EPA official who worked closely with Administrator Johnson on the California waiver issue.

It appears from Mr. Burnett's testimony that Administrator Johnson's testimony was at best misleading and at worst untruthful in many specific ways.

Administrator Johnson repeatedly claimed that the decision to deny the California waiver was ''mine and mine alone.'' He said this repeatedly, over and over:

I was not directed by anyone, I was not directed by anyone to make the decision. This was solely my decision based upon the law, based upon the facts that were presented to me. It was my decision. (1/24/08 EPW Committee Oversight hearing (''1/24/08 hearing''), unofficial transcript at p. 29).

I made the decision. It was my decision and my decision alone. (2/27/08 EPW Committee hearing on EPA FY2009 Budget (''2/27/08 hearing''), unofficial transcript at p. 58)

The decision was mine and mine alone. I made the decision. (2/27/08 hearing, unofficial transcript at p. 59).

Certainly the California waiver was my decision under the Clean Air Act and mine alone. I made the decision, I made it independently, I carefully considered all the comments and I made that decision. (Id. at p. 30)

Mr. Burnett's testimony, however, indicates that these statements were not true in any meaningful sense. First, in point of fact, the decision Administrator Johnson made was to grant a partial waiver:

There was an effort that we were engaged in and that I was engaged in to make the case that it would be appropriate to issue at least a partial grant of the waiver. (Testimony of Jason Burnett at EPW Committee hearing, 7/22/08, unofficial transcript at p.31)

The Administrator had a plan to partially grant the waiver provided that the Clean Air Act was not enacted [sic] by Congress. (Id. at p. 42).

Second, Mr. Burnett's testimony makes clear that this decision to grant the partial waiver was vetted thoroughly within EPA and reflected the Agency's consensus view that at least a partial waiver was appropriate:

We did our best to ensure that all policy officials involved in this decision were apprised and informed of the law and EPA's assessment that all three criteria were, that the, clearly the most supportable case under the law is that all three criteria had been met. (Id. at p.43)

My advice, my recommendation, as well as the advice and recommendation of all other advisors within EPA that I am aware of was for Administrator Johnson to grant the waiver or at least grant the first few years of the waiver. (Id. at p. 21)

Third, Mr. Burnett testified that Administrator Johnson's decision to partially grant the waiver was then taken to the White House:

But we went forward with our plan, told the White House about our plan to have a partial grant of the waiver. . . . (Id. at p. 32)

Fourth, Mr. Burnett was clear that when the White House was informed of the plan, the Administrator was told of the President's ''policy preference'' and reversed his decision to support the partial waiver.

But we went forward with our plan, told the White House about our plan to have a partial grant of the waiver, and in response, we were reminded of the President's policy preference. (Id. at p. 32)

Mr. BURNETT: I believe that we continued throughout the early December to explain the case for a partial grant. I believe that it was early December when the Administrator made his plan known. Of course, that plan ultimately was not followed.

Senator WHITEHOUSE: And in between that, the White House response came back that the President desired there to be the single standard?

BURNETT: yes. (Id. at p. 38)

The repeated, false emphasis by the Administrator that the decision to deny the waiver was ''mine and mine alone,'' when in fact the Administration effectively reversed Administrator Johnson's decision to grant the waiver, was part of a larger plan to mislead the EPW Committee about the decision-making process regarding the waiver.

A second part of this plan was Administrator Johnson's suggestion that there was staff debate on the California waiver, during which a wide range of options were presented by staff, and after which, based on this debate, the Administrator made the decision to deny the waiver:

Again, a great team of people, the lawyers and scientists and policy staff. They presented me with a wide range of options [on the waiver]. Those options ranged from approval to denial. I listened to them carefully, I weighed the information and I made an independent judgment. I concluded that California does not meet the standard under Section 209. (1/24/08 hearing unofficial transcript, at p. 45).

Again, as I have stated and will state again, the decision was mine, solely mine. I heard a wide range of comments from inside the agency, outside the agency, I was presented with a range of options. I made the decision. It was my decision and my decision alone (2/27/08 hearing unofficial transcript at p. 58).

During the briefing process, I encouraged my staff to take part in an open discussion of issues, and due to their value [sic?] options and opinions, I was able to make a determination. As you know, the Clean Air Act requires the EPA Administrator to determine whether or not the criteria for a waiver have been met. It was only after a thorough review of the arguments and material that I announced my direction to staff to prepare a decision document for my signature. (1/24/08 hearing unofficial transcript at p. 16)

Senator WHITEHOUSE: The last time we spoke about this, you said that sometimes the EPA staff gave you a single consolidated recommendation, Mr. Administrator, this is what we think you should do, and sometimes they give you an array of options, Mr. Administrator, we think these are your options. You have testified that in this case, they gave you an array of options, not a single, consolidated opinion, correct?

Administrator JOHNSON: That is what I remember, yes. (2/27/08 hearing unofficial transcript at p. 61)

In fact, however, Mr. Burnett was clear that there was staff agreement on the issue, as manifested in the plan agreed to by the Administrator, and presented to the White House, to grant a partial waiver:

My advice, my recommendation, as well as the advice and recommendation of all other advisors within EPA that I am aware of was for Administrator Johnson to grant the waiver or at least grant the first few years of the waiver. (7/22/08 hearing, unofficial transcript at p. 21).

Mr. Burnett made clear, however, that the Administrator went to the White House armed with a plan to partially grant the waiver but, after being informed of the Bush ''policy preference'' that the waiver not be granted, reversed course and denied the waiver:

We went forward with our plan, told the White House about our plan to have a partial grant of the waiver, and in response, we were reminded of the President's policy preference. (7/22/08 hearing unofficial transcript at p. 32)

Senator WHITEHOUSE: In the Clean Air Act waiver, after the White House was notified of the proposed decision that you put together, did the White House respond to that notice that you intended to partially grant the waiver?

BURNETT: The response was clearly articulating that the President had a policy preference for a single standard that would be inconsistent with granting the waiver. (Id.)

BURNETT: I believe that we continued throughout the early December to explain the case for a partial grant. I believe that it was early December when the Administrator made his plan known. Of course, that plan was ultimately not followed.

SW: And in between that, the White House response came back that the President desired there to be the single standard?

BURNETT: Yes. (Id. at p. 38)

Administrator Johnson deliberately and repeatedly left these steps out of his discussion of the process that led to denial of the waiver.

Moreover, when questions regarding White House contact were raised, he said things that were not true, if words are given their meanings in common usage.

For example, Administrator Johnson testified repeatedly that his contacts with the White House regarding the waiver were limited to ''routine discussions'' that were nothing more than status updates for the White House on the waiver issue and were part of meetings involving multiple issues:

Senator BOXER: Did you contact [the White House about the California waiver]?

Administrator JOHNSON: As part of good government, I tell them what is the status of major actions that are before the Agency to give them an update. That is what I do on petitions, on regulations, and——

Senator BOXER: Did you discuss this waiver with members of the Administration in the White House, the Vice President's Office, or the OMB? Did you discuss this?

Administrator JOHNSON: I have routine discussions. (EPW 7/26/07 Hearing on Status of California Waiver unofficial transcript at pp. 15–16)

Senator WHITEHOUSE: Was there or was there not contact from the White House regarding the waiver decision?

Administrator JOHNSON: As I said, I have routine contacts with members of the Administration, including the White House.

Senator WHITEHOUSE: And did that routine contact include contact regarding the waiver decision?

Administrator JOHNSON: Again, I have routine conversation on a wide range of topics that I believe is good government and indeed, it included what our status was on the issue of the California waiver. (2/27/08 EPW hearing unofficial transcript at p. 58)

In fact, Mr. Burnett's testimony makes clear that there were specific White House meetings dedicated to the waiver:

Senator WHITEHOUSE: Were the meetings . . . related to the California waiver . . . specific to that? Or were they part of a routine schedule that the Administrator had, going to the White House on a regular basis and this would be on the agenda, this particular time? Or were these meetings that were scheduled specifically to address this and not part of a routine, ongoing scheduled meeting process?

Mr. BURNETT: Both. There were some meetings that were specifically scheduled to talk about the California waiver, and other meetings to talk about a range of issues relating particularly to climate policy, including the response to the Supreme Court and the California waiver.

Senator WHITEHOUSE: And were there meetings specific to the California waiver, that you would not characterize as routine that were specifically scheduled for that purpose?

Mr. BURNETT: Well, there were meetings specifically scheduled for that purpose, as I said.

Senator WHITEHOUSE: Not just dropped in as an agenda point on a regularly-scheduled meeting?

Mr. BURNETT: Yes, meetings that were specific to talk about the California waiver. But I'm not sure if that means they were routine or not. It certainly was the case that this issue of the California waiver received a great deal of attention from a number of people throughout the Administration. (7/22/08 hearing unofficial transcript at p. 31.)

Mr. Burnett also testified that the waiver decision was a very important matter to EPA and the Administration:

It certainly was the case that this issue of the California waiver received a great deal of attention from a number of people throughout the Administration. (Id.)

This issue is one of the most important issues that was facing EPA. It received very high level attention, many meetings with the Administrator and many meetings with senior officials at the White House (Id. at p. 43)

Thus, the meetings clearly were more than ''routine,'' both in terms of their timing (Webster's II New Riverside University Dictionary, at p. 1022—''A set of customary and often mechanically performed procedures;'' ''prescribed and detailed course of action to be followed regularly'' and substance (''not special,'' ''ordinary'').

Moreover, Administrator Johnson's testimony that the meetings were merely to provide the White House with status updates was also directly contradicted by Mr. Burnett, who testified that at least some meetings were held at the White House to present the Administration with EPA's plan to grant a partial waiver.

We went forward with our plan, told the White House about our plan to have partial grant of the waiver, and in response, we were reminded of the President's policy preference. (Id. at p. 32)

Senator WHITEHOUSE: Would it be accurate to say that in those meetings Administrator Johnson's contribution was limited to an update on the status of the waiver action?

Mr. BURNETT: There was an effort that we were engaged in and that I was engaged in to make the case that it would be appropriate to issue at least a partial grant of the waiver. (Id. at p. 31)

Administrator Johnson was also misleading and not credible regarding the staff process on the waiver decision. He testified that he had been presented a range of options from denial to outright grant, but that he could not remember any of the options beyond the extremes of a full grant or outright denial of the waiver:

Senator WHITEHOUSE: What would you list? You said a wide range of options? Can you specify what those options were?

Administrator JOHNSON: As I have said, a range from approving the waiver to denying the waiver.

Senator WHITEHOUSE: That is not a range, that is two.

Administrator JOHNSON: Well, there were options in between and—

Senator WHITEHOUSE: Such as?

Administrator JOHNSON: I was trying to recall. I don't recall the specific options in between but that certainly is a matter of record.

Senator WHITEHOUSE: Do you recall any of the specific options in between?

Administrator JOHNSON: As I said, the options ranged from approval to denial and included other options in between. I don't recall how they were entitled or the specifics.

Senator WHITEHOUSE: Without their title, their fundamental nature, do you recall?

Administrator JOHNSON: Again, there was a range of options and I don't recall the specifics of the intermediate ones. (2/27/08 hearing unofficial transcript at p. 63)

In fact, however, Mr. Burnett's testimony makes clear that there was a unanimous staff recommendation for a partial waiver so fully developed that he agreed to it and took it to the White House after extensive briefing:

My advice, my recommendation, as well as the advice and recommendation of all other advisors within EPA that I am aware of was for Administrator Johnson to grant the waiver or at least grant the first few years of the waiver. (7/22/08 hearing unofficial transcript at p. 21)

The Administrator had a plan to partially grant the waiver, provided that the Clean Air Act was not enacted [sic] by Congress. (Id. at p. 42)

There was an effort that we were engaged in and that I was engaged in to make the case that it would be appropriate to issue at least a partial grant of the waiver. (Id. at p. 31)

I believe that we continued throughout early December to explain the case for a partial grant. I believe that it was early December when the Administrator made his plan known. Of course, that plan ultimately was not followed. (Id. at p. 38)

We went forward with our plan, told the White House about our plan to have a partial grant of the waiver, and in response, we were reminded of the President's policy preference. (Id. at p. 32)

It is simply unimaginable that Administrator Johnson could forget that a partial waiver plan had been recommended to and developed for him, that it had been adopted as the Agency plan on this critical matter, and that he had presented it to the White House.

Administrator Johnson said there was no White House reaction to his update, or that he could not recall any White House response or reaction:

Senator BOXER: Did you discuss the California waiver with someone from the President's office, the Vice President's office, OMB?

Administrator JOHNSON: I routinely have conversations with members of the White House.

Senator BOXER: The answer is yes, then. What did they say? What was their reaction? How did they feel about the waiver?

Administrator JOHNSON: I don't recall their reaction because I was giving them an update of the status of this action and a lot of other actions before the Agency. (7/26/07 hearing unofficial transcript at 16).

Senator BOXER: Is this a fair analysis of what you have told us? That no one ever contacted you to give an opinion on the waiver, or to tell you to slow it up or anything; no one from the President's, Vice-President's, OMB; no one from the DOT. But you did contact them just to fill them in on what was happening, and the waiver was one of the issues, but you don't recall anything that they said. You just briefed them, but they never made any opinion. Yes or no?

Administrator JOHNSON: If you would add ''to the best of my recollection,'' then I would say, ''yes.'' (Id. at p. 17)

Given Mr. Burnett's testimony, it is simply unimaginable that Administrator Johnson cannot recall getting a response from the White House suggesting that he reverse his plan to grant a partial waiver:

Senator WHITEHOUSE: In the Clean Air Act waiver, after the White House was notified of the proposed decision that you put together, did the White House respond to that notice that you intended to partially grant the waiver?

Mr. BURNETT: The response was clearly articulating that the President had a policy preference for a single standard that would be inconsistent with granting the waiver. (7/22/08 hearing unofficial transcript at p. 32)

Mr. BURNETT: . . . the Administrator certainly knew the President's policy preference for a single standard. (Id.).

Mr. BURNETT: [W]e went forward with our plan, told the White House about our plan to have a partial grant of the waiver, and in response, we were reminded of the President's policy preference. (Id.)

Mr. BURNETT: I believe that we continued throughout the early December to explain the case for a partial grant. I believe that it was early December when the Administrator made his plan known. Of course, that plan ultimately was not followed.

Senator WHITEHOUSE: And in between that, the White House response came back that the President desired there to be the single standard?

Mr. BURNETT: Yes. (Id. at p. 38)

It is unimaginable that the head of a major government agency could take a plan on a vital public issue to the White House, fully vetted and briefed, to make the case for the plan, come back to the agency with a completely different plan as a result of the White House meeting, and then not remember that this event had taken place. It can only be a lie.

Administrator Johnson claimed that his decision to deny the waiver was based on criterion two of the waiver test under the Clean Air Act: that is, whether California demonstrated compelling and extraordinary conditions in support of its request:

I came to the conclusion that of the criteria that I am required to evaluate, it was the second criteria, that the State does not have compelling, extraordinary conditions. So that is the basis of my decision. (1/24/08 hearing unofficial transcript, p. 22)

I made my decision for the California waiver under Section 209 of the Clean Air Act. And I found that California does not meet the compelling and extraordinary conditions. (Id. at p. 55)

In fact, as noted above, Mr. Burnett's testimony makes clear that Administrator Johnson was prepared to grant a partial waiver, based on the compelling and extraordinary factor and other factors having been met:

As part of the plan to grant a partial waiver, certainly it was the case that all three criteria in the Clean Air Act would be met, including the criteria that California has compelling and extraordinary circumstances. (7/22/08 hearing unofficial transcript at p. 19)

We did our best to ensure that all policy officials involved in this decision were apprised and informed of the law and EPA's assessment that all three criteria were, that the, clearly, the most supportable case under the law is that all three criteria had been met. (Id. at p. 43)

Indeed, it was only after President Bush's ''policy preference'' was explained to Administrator Johnson at a White House meeting that he decided to deny the waiver. The rationale that California did not meet was evidently an after-the-fact embellishment designed to cover up the initial plan to grant the waiver, the White House meeting at which President's Bush's ''policy preference'' was explained, and Administrator Johnson's reversal of course, and to create a post hoc legal explanation for the decision.

The following summary of Administrator Johnson's testimony by Chairman Boxer was admitted by Johnson to be accurate ''to the best of [his] recollection.''

Senator BOXER: So just to wrap this up, and then I will turn to Senator Inhofe. So just to wrap this up, no one ever contacted you. You contacted them, meaning the White House, the Vice President's office, the OMB, the DOT. You contacted them just to give them an update on this issue, but no one ever contacted you and you don't recall anybody in the White House giving you their opinion on the waiver.

Administrator JOHNSON: I don't recall anyone contacting me. I do recall making contacts to others because as I said, I have routine conversations with——

Senator BOXER: You keep repeating this. I am just trying to see, and tell me if I am saying this in a fair way and a just way.

Mr. JOHNSON: Okay.

Senator BOXER: All right. Nobody ever contacted you from the White House, the Vice President's office, the OMB, or the DOT? You contacted them just to update them and you don't recall anything they said to you about the waiver?

Mr. JOHNSON: To the best of my recollection, again, I have a lot of conversations with members of the White House, a lot of conversations. I said I do recall me making contact because——

Senator BOXER: I just said that. So did I say it in a fair way? I will repeat it the last time and then I will stop, because I would like a yes or no. Is this a fair analysis of what you have told us? That no one ever contacted you to give an opinion on the waiver, or to tell you to slow it up or anything; no one from the President's, Vice President's, OMB; no one from the DOT. But you did contact them just to fill them in on what was happening, and the waiver was one of the issues, but you don't recall anything that they said. You just briefed them, but they never made any opinion. Yes or no?

Mr. JOHNSON: If you would add ''to the best of my recollection,'' then I would say ''yes.'' (7/26/07 hearing unofficial transcript at p. 17).

Again, in light of the Burnett testimony, Administrator Johnson's failure to recollect the Administration's reaction to his proposal is simply incredible.

Finally, it is worth noting President Bush's ''policy preference'' for a single standard does not bear in any way on the existence vel non of compelling and extraordinary conditions, and is known by Administrator Johnson not to be one of the statutory criteria for decision:

Administrator JOHNSON: . . . I tried to make it clear in the letter to Governor Schwarzenegger [announcing denial of the waiver] that the bases of my decision were on the three criteria under Section 209 [of the Clean Air Act] and compelling and extraordinary was the issue that the criteria, that was not met. I pointed out in the letter that that certainly isn't a context of what is the policy of both what is happening as a Nation, and that is the policy, again my words, policy context. But that was not the decision criteria. The decision criteria are very clear in Section 209 on whether or not——

Senator KLOBUCHAR: That is fine. When I come back, I will talk about it. But you have said before that this could create a confusing patchwork of State rules.

Administrator JOHNSON: And again, that is not one of the criteria for the decision. (1/24/08 hearing unofficial transcript at p. 36)

The PRESIDING OFFICER. The Senator from Kansas is recognized.

ENERGY

Mr. BROWNBACK. Mr. President, I wish to spend a little time talking about the energy topic which has consumed this body and rightfully so. It has certainly consumed the people's checkbooks and pocketbooks. I will then submit a course of action and suggestions, one of which is a bill that was recently introduced by a tripartisan coalition—Senator SALAZAR, Senator LIEBERMAN, and myself—requiring that a third of the fleet of vehicles the United States produces sold here by 2012 be able to operate on flex fuel; that is, a car or a pickup—whatever it is that is being sold—can operate on either ethanol, methanol or gasoline or any combination thereto, to remove our addiction to foreign oil. I also wish to talk about the need to produce more energy here at home.

I have a couple charts. This one is one people instinctively know about, but I think it is pretty dramatic when you look at it. Our consumption is going up. It has been a bit more level lately. Production. Look at what we have done with production since the mid-1980s. It has gone down while our imports have made up the difference. We had this huge crossover in 1994. We are actually importing what we should be producing. We have to change this chart.

Boone Pickens was in town last week—one of the famous oilmen in the United States—and he was saying we are on track to be importing $700 billion worth of oil on an annualized basis. If you think about that and the transfer of wealth that is taking place—that $700 billion comes from someplace, and it comes from people's pocketbooks. Then, instead of going into the U.S. economy, it is going overseas and on to places that often don't agree with us, whether it is into Venezuela or other regions of the world. Plus, think about the sheer economic activity. If you take $700 billion worth of economic activity out of here and are not generating further economic activity someplace else and are putting it someplace else, it degrades our tax coffers. Yet that $700 billion of economic activity here, if there were just a 20-percent tax rate associated with it, we are looking at $140 billion worth of taxes back into this country if we had that sort of economic revenue taking place. Imports of petroleum and petroleum products in the billions of dollars, and you can see the increase in the price of oil, what this is doing. It is skyrocketing from, again, 2004 on forward. If that activity were taking place here, those dollars would be back here. Instead of building enormous buildings or new islands or incredible facilities in Dubai, we could be building them here.

That is why we need to produce more in the United States, and we can produce more in the United States instead of getting it from overseas.

It is my hope that later this week, we are going to start voting on some of these resolutions, some of these bills to produce more in the United States. We cannot continue to consume 25 percent of the world's oil while producing only 3 percent of it. The world is not going to let that continue to take place.

If you set all that aside and say: Well, I don't care, as long as it continues to take place—if you set all that aside, what is taking place now in the Middle East, of Iran developing nuclear capacity and the threat of that to the region, to a number of countries in that region, particularly Israel—and if there is a response to that, what happens then to oil prices and the availability of oil to the United States if that escalates further? It may get an escalation that happens out of our control. Then what happens to the oil supply and the price if we continue to be dependent on this much of a dollar amount for foreign sources of oil? What would the Venezuelans do? What would Chavez do if the Iranians are attacked? Do you think they are going to send oil to the United States? What would happen in Russia, where Russia has been moving to work more with the Iranians? I think we are looking at a scenario, from a security perspective and from an economic perspective, that is wholly untenable for us in the United States and one we have to deal with now.

The way to deal with it is to produce more in the United States and to allow drilling to take place here. We must explore new areas. The Department of Energy, Energy Information Agency reports that 75 billion barrels of oil are off-limits today in the United States. The President has recently lifted the Executive ban on the Outer Continental Shelf, and unless Congress lifts its congressional ban, we will not have access to 16 billion barrels of crude oil. Lifting this congressional ban on offshore drilling would surely send the right signals to the marketplace and many believe it would help lower prices in the near term. It would show the world we are willing to explore for new energy. We should also explore in Alaska for oil shale in the Western United States.

I wish to show quickly one other piece of information on biofuels, and that is a chart and a statement that

was recently put forward by Merrill Lynch. Biofuels has been in a tough debate recently as there are a number of people accusing it of different things. One thing I wish to put on the table for sure is that biofuels has expanded our energy sources and expanded it away from the Middle East and it has expanded it away from foreign imports. That is something that has taken place. A recent study from Merrill Lynch found that because of the world's use of biofuels, gasoline is $21 per barrel less expensive than without these biofuels—$21 a barrel it took off oil prices. That is 50 cents less per gallon. We must continue to research and innovate in the world of cellulosic ethanol and biodiesel, soy, possibly from algae.

What we have put forward in an amendment on this bill, if we are able to get to the Energy bill, is a requirement that half the new cars built and that are imported to the United States by 2012 be flex-fuel vehicles that can use ethanol, methanol or gasoline or any combination of those three. The big three auto manufacturers have said they can meet this goal to allow consumers to choose between gasoline, ethanol, methanol or, in some cases, biodiesel.

So imagine you are pulling up to the pump and ethanol this day is selling for $1 a gallon less than gasoline is. Perhaps methanol is selling for $1.50 a gallon less than gasoline, and you are saying I am going to put in ethanol today. It is selling for cheaper. Those will continue to drive down the price of gasoline and will have a security benefit in that. If something happens in the Middle East or a part of the world that is out of our control and oil supplies dry up, we won't be left high and dry; we will have other sources of fuel to be able to move forward with. That is why so many security people are interested in this flex-fuel concept and a flex-fuel vehicle.

I filed this legislation as amendment No. 5249 to the speculation bill that is currently on the floor. I ask unanimous consent that Senator SALAZAR be added as a cosponsor to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, many economists believe energy efficiency and conservation are absolutely critical to our efforts to reduce our reliance on foreign oil. I agree.

We have passed major energy legislation in the past to promote research and development in the area of hybrid automobile research, including batteries. We will be holding a hearing tomorrow in the Joint Economic Committee on this issue. Clearly, we need to conserve more. We have two hybrid vehicles in my family, and it has worked well. We need to move that technology forward. But it doesn't change the fundamentals that we have to produce more here as well.

I want to show a final chart of the oil shale area in the United States. It is currently off limits from drilling. It has the potential of 500 billion—or more—barrels in production. This is in Wyoming, Utah, and Colorado. Clearly, this is another area we need to open for development.

My point is that we are not helpless and we can do more. We have to do it now. Time is of the essence. It is draining people's pocketbooks, and it is putting us in an unnecessary security risk.

I am hopeful that the leader is going to allow us to put forward amendments. I hope we can put forward our flex fuel amendment. I hope we can put forward drilling amendments so that we can get production up in the United States. That is something we need to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business on S. 3335, the tax extender package, for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX EXTENDERS

Mr. WYDEN. Mr. President, folks across our country feel as if they are drowning as wave after wave of bad economic news hits them.

I urge my colleagues to vote for this important legislation because at times like this, when so many people feel they are close to going under, they look to their Government to toss them a life preserver, not burden them with a 2-ton cement block of bills to pay and then wish them luck. Congress has shown a willingness to shore up Wall Street. This legislation gives us an opportunity to shore up the folks who are on Main Street.

People across our country want to see the Senate address the issues that are most important to them, and at the top of that list is energy. Obviously, our country is now at a crossroads. The country can continue to keep going on the road we are on, living on high-priced fuel and spewing carbon dioxide into the air from fossil fuels that choke the planet, or we can take a different road. With this legislation, we can start down that route.

This legislation put the country on a path toward real energy independence. It would reduce our reliance on fossil fuels, and it would extend tax credits for renewable energy technologies—solar, geothermal, wind, hydroelectricity, geothermal heat pumps, and fuel cells. These new energy choices will help stem the devastating effects of global warming.

On the other hand, the failure to extend existing renewable energy credits sends the wrong signals to renewable energy companies and investors. It will literally cut off the pipeline of promising renewable energy projects at a time when many of these technologies are just getting off the ground.

How often is it possible to point to legislation and say that this bill will actually lead to a more promising future? In this case, businesses, workers, consumers, and homeowners all have an opportunity to be part of a brighter energy future. Truckers would get an exemption from the highway excise tax so they could install fuel-saving anti-idling equipment. Consumers would get a new tax credit when they buy the plug-in hybrids. There would be a tax break for the bicycle commuters. For the first time, wave, tidal energy, and small wind turbines would be eligible for renewable energy tax credits. The bill also extends production tax credits for biodiesel. Consumers and businesses would be encouraged to live on less energy but in a fashion that does not compromise our economy or our quality of life. There would be tax credits for energy-efficient homes, commercial buildings, energy-efficient appliances, and also recycling equipment.

It is my view that the tax provisions of this legislation make sense for taxpayers and they make sense for the environment and our businesses, and in that sense, we have an opportunity to act for America's future. I hope this legislation will pass.

I would like to touch quickly on several other parts of the legislation that I think are particularly important, and especially the county payments legislation.

If you live in a big city in this country, you may not know a whole lot about this legislation, but the county payments program keeps rural communities throughout the country—particularly in my home State—alive. The legislation includes more than $3.7 billion in funds that are desperately needed for rural schools, counties, and communities. Without the safety net funding included in the bill, rural communities across the country will face a future without schools and without vital services such as law enforcement and essential road repair. Pink slips have already been sent out to teachers and county workers, and unless the Congress acts quickly, these devastating losses to the very fabric of rural communities would become permanent.

There are counties in my home State that now literally face dissolution. Folks who live there don't know what to expect, but they are bracing for the worst. I am just not going to let that happen.

This energy tax package contains the last best hope to help these counties, and the Senate should not turn its back on rural America now.

Specifically, the package contains a 4-year extension of the Secure Rural Schools Program that I authored in 2000 and 5 years of full funding for the Payments in Lieu of Taxes Program.

This proposal closely mirrors the legislative proposal I put together last year with Senators BAUCUS, BINGAMAN, and Majority Leader REID—a proposal that overwhelmingly passed with bipartisan support by a vote of 74 to 23. Senator CRAIG and Senator DOMENICI also helped with critical efforts to move the legislation forward and to give it strong, bipartisan support.

When folks in rural America are losing their jobs, their homes, and the chance to educate their kids, the Federal Government should not break its promise to rural communities. When Federal forests were created in Oregon and around the country, rural communities were promised they would get a share of the revenue from those forests. This revenue sharing was intended to make up for the loss of Federal forest land from the local tax base. As the benefits from forest management changes with the times, Congress can't walk away from its responsibility to provide funding to the counties for their contribution in creating the Nation's forests. Since that original effort, it has been clear that local communities needed some measure of support.

By providing funds through 2011, this bill gets our rural counties off the fiscal roller coaster they have been on, particularly during these difficult economic times. It gives them stable funding so they can concentrate on the real work of planning for the future. Nationally, this would mean $3.7 billion, and in my home State of Oregon, it would mean hundreds of millions of dollars for schools, public safety, roads, and other essential county services.

In the midst of an energy crisis, our schools face big challenges. An Energy Department study reported that schools spend about $8 billion on energy each year, second only to spending on books and computers. The same study estimated that 61 percent of public school districts had insufficient energy budgets. As a result, the schools—especially our rural schools—are forced to make difficult decisions about whether they can fully afford to heat or cool their buildings or whether they are going to have to cut some essential service, such as the school bus service in rural areas. Reauthorizing the county payments program would keep the lights on in the classrooms and make sure our youngsters have the basics they need in order to be able to learn.

The Secure Rural Schools and Community Self Determination Act of 2000 has worked. It has built collaboration between counties, forest product firms, and environmentalists in communities in over 700 counties in 41 States across the Nation. A key part of that collaboration has included funding projects to restore the national forests, and those would include providing renewable woody biomass that is part of the renewable energy solution this legislation would provide.

Finally, on this point, these funds are a critical lifeline to rural areas. I point out that rural schools and counties would not be the only ones who suffer if this bill isn't passed. But I want to highlight the county payments legislation tonight particularly.

I am going to be going home this weekend for townhall meetings in the rural part of my State. I will hear again and again this weekend how, without this program, without the essential program for rural communities that, in effect, built on something that started a century ago, we will see some of those rural communities dissolve before our eyes. I cannot allow that to happen on my watch.

Finally, a quick comment on one other section of the legislation. I see that my friend from Arizona is here, and I want him to know that I will wrap up very briefly.

Mr. President, with respect to the tax extenders provisions of this legislation, I can only say that businesses are calling for this. Typical taxpayers are calling for it. Teachers are saying they need it. Once again, we have to look at the consequences of not passing an important domestic initiative. This bill includes help for folks who are hurting right now. It includes help with relief to people in the Midwest who are still hurting from this year's floods. It helps businesses by renewing the business research and development tax credit. This is very important because our fast-growing technology companies say it is critical for their plans to grow and hire new staff. High-tech companies are some of the best employers in my home State and around the country, and they offer family-wage jobs that Americans can depend on.

Both parties agree that the research and development credit should be extended and that it will be—some day. That is what they say, Mr. President—some day. That doesn't do much good for struggling manufacturers now. They have to plan their investments in order to be able to grow. They say that R&D credits are critical to doing that. By holding it up, the Congress is pushing our companies to outsource the important work. Clearly, no Member of the Senate could want that to happen, but without these credits, we are not having the proper incentive to keep jobs in the United States. I want to see high-skill, high-wage jobs here in our communities. We are the world leaders in research and development, and it is moments like this that will either keep us in that position or will start us heading down the path of becoming followers.

I want to finally express my appreciation to the chairman of the Finance Committee, Senator BAUCUS, for his fine work on this legislation. I particularly appreciate the many times in which he has assisted me with the Secure Rural Schools Program. A host of other colleagues: Leader REID, Chairman BINGAMAN, Senator SMITH, Senator DOMENICI, among others. I also express my appreciation to Senator TESTER, our new Senator from the State of Montana, who has been a champion of rural schools and this program as well for all of his assistance.

I urge the support of the critical Baucus legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

ENERGY

Mr. KYL. Mr. President, the question the Senate is facing this evening and again tomorrow morning is whether we are going to stay focused on the issue that is of the most importance to the American public, and that is doing something about this incredible energy crisis in our country causing us to not just pay higher prices at the pump but also higher prices for almost everything else because of the high cost of transportation to transport goods across this country. Our airlines are hurting, shipping, trucking, all families, and we have seen inflation rise in this country, among other things, and probably primarily because of the fact that we are not producing enough energy—enough American energy.

Republicans believe we need to stay focused on this issue until we deal with it, and we can deal with it. We can deal with it before this body leaves for the so-called August recess. I know this: It is not recess when we go home and start visiting with our constituents and every one of them is going to ask us: What did you do to drive down the price of gasoline? What did you do to deal with this energy crisis?

Earlier today, I quoted from the New York Times in an editorial yesterday in which the editors of the Times noted that the problem in the United States is not one of speculation, which is the subject of the bill the Democratic majority has brought forward, but it is a problem of supply and demand. What they say is all speculators or investors do is take a look into the future and ask a question: Five years from now or 5 months from now, where is demand going to be compared to supply in the world? Right now, everybody can see that the demand is going to far exceed the available supply of energy. As a result, of course, that puts pressure on prices which continue to go up.

The fact that the President announced he would remove the moratorium on certain offshore production has had a salutary effect in helping to reduce prices a little bit because those futures markets decided that maybe we were serious about doing something about energy production in the future.

That is the test. That is the commitment. That is what the Senate has been focused on this last week and is going to be focusing on again tomorrow.

My colleagues are talking about legislation that the Senate needs to pass and, indeed, the last bit of legislation the Senator from Oregon was talking about is a subject which we will deal with. Everybody agrees we need to deal with it. My guess is the bill will pass, if not unanimously, close to unanimously, if and when we can get a bipartisan so-called tax extenders bill to the floor of the Senate. But Republicans are not going to leave what we are doing now to take that up and who knows what else.

As a matter of fact, one of the issues I wanted to speak about briefly is another bill they want to go to. It is called the media shield legislation.

Tomorrow morning, we are going to have two votes. The first one will see

whether we will forget the energy crisis, leave the Energy bill, and take up the media shield legislation. I daresay we will do the same thing with that that we have done with the other bills we have considered in the last couple of days, and that is, we will say no, we are going to finish energy first. Then we will have this next tax extenders bill. That will be the fourth time that bill will be before us. Once again, we will say: Let's finish energy first and then we will take it up.

I hope as we speak that Senators BAUCUS and GRASSLEY, the chairman and ranking member, respectively, of the Finance Committee on which I sit are talking to each other about the way to put this bipartisan tax extenders bill together so we can bring it to the floor and complete action on it before the August recess. That is possible to do. The two of them work very well together. I think they are very close to reaching an agreement on what this program would look like, and if they can reach such an agreement, it will be possible for us, once we have concluded work on energy, to then bring up that bill and get it passed before we go home. But we are not going to decide we have talked about energy long enough, even though we haven't done anything about it, and it is time to move on to other priorities. Our priority is energy. Our priority is getting gas prices down.

It is not just a matter of filling up at the gas pump. Last week, I filled up and it was $70 and the tank still had a third in it when I filled the tank. That is hard to take. That is not the bottom line. The bottom line is what it does to our economy and national security. It used to be we produced most of the energy we use. Now we import most of the energy we use and, unfortunately, we are getting it from places that can create real problems for us.

If you talk about Iran, for example, all Iran has to do to make more money on the oil it produces is drive some of its speedboats around the Strait of Hormuz and threaten the shipping there. About 40 percent of the oil goes through the Strait of Hormuz, and that unsettles the market to the extent it drives up the prices. They have it within their power to make more money just by creating problems for us.

Why don't we rely more on the energy resources we have right here in the United States of America? We are the third largest producer of oil and gas in the world. We could be producing a lot more American energy for American needs and not have to rely on these other countries which, as I say, can create huge headaches for the entire world and drive up the price of energy.

We can produce more. What Republicans are saying is, let's open some of the areas that have been closed by law to more production, starting with offshore in the deep waters of the gulf, off our coasts. We also have energy that is tied up in Alaska, in the oil shale in the Rocky Mountain West, and in other places.

We have suggested a balanced approach. We need to use less. We need to reduce our consumption. We need to rely on so-called renewable fuels. We obviously need to do more with nuclear energy. But almost everybody agrees that the starting place is more drilling to produce more American oil for the American economy. That is what we want to get some votes on before we turn to other legislation.

Let me briefly comment about the first vote we are going to have tomorrow because this is new. We have already dealt with the so-called tax extender program three times now. Tomorrow morning will be the fourth time. We are not going to have any different result than we have had in the past. So I suggest we get on with the bipartisan negotiations to complete our work on that legislation so we can get it passed.

MEDIA SHIELD

Something we haven't taken up yet is this so-called media shield bill. I am not going to go through all the arguments about it, but simply to point out the history of it and describe what it does and why it is so problematic.

This basically says that reporters don't have to disclose their sources if they don't want to. You can imagine a lot of bad things will happen as a result of that. People break the law for disclosing very highly classified information. The reporter says: I am not going to tell you, Mr. FBI Agent, who did that. Yes, I know who did it—it is against the law—but I am not going to tell you. And this bill would provide the protection for that.

The first problem is it doesn't even define media in a way with which everyone can agree. We don't know whether a blogger, who is trying to put material out on the blogs, is in the media, whether a reporter for some kind of terrorist newsletter is a member of the media or what. They have tried and tried to get a good definition. It is very difficult to do.

When the bill was in the Judiciary Committee, on which I sit, it was not a perfect bill. Back then people said: Yes, we need to pass this; we need to not change a comma in it. I think there were 10 or 12 amendments adopted that day. Clearly, it needed work. Most of those amendments had strong bipartisan, if not unanimous, support, and we agreed at the end of the process that it needed more work. Since then, there have been a lot of meetings held to try to refine the bill.

I take my hat off to Senator ARLEN SPECTER who has tried very hard to find a way to resolve some of the problems that have been raised. At the end of the day, the Attorney General of the United States, Attorney General Mukasey, the intelligence community, and the White House have all raised very serious doubts and problems about the bill.

Let me refer to some of the things that have been said about it. The Secretary of Defense, Secretary Gates, wrote at the end of March this year that ''the Department of Defense is concerned that this bill will undermine our ability to protect national security information and intelligence sources and methods, and could seriously impede investigations of unauthorized disclosures.''

The problem I just identified. Because of that, of course, President Bush is expected to veto the bill.

Very recently—I think yesterday—the Director of National Intelligence, Mike McConnell, published in USA Today an op-ed in which he described some of the problems he has with the bill, one of many commentaries. Here is what he said:

> I have joined the attorney general, the Secretaries of Defense, Energy, Homeland Security, and Treasury, and every senior intelligence community leader in expressing the belief, based on decades of experience, that this bill will gravely damage our ability to protect national security information. Unauthorized disclosure of classified information disrupts our efforts to track terrorists, jeopardizes the lives of intelligence and military personnel and inhibits international cooperation critical to detecting and preventing threats.

It is not just our intelligence community and Government sources. Last week, the U.S. Chamber of Commerce and the National Association of Manufacturers circulated a letter expressing ''deep reservations with the way the current version of the media shield bill, S. 2035, applies to the private sector. As drafted, it would have significantly adverse ramifications on the ability of Americans to legitimately protect personal and proprietary information and we must oppose the bill in its current form.''

It is interesting, despite all of these issues that have been raised by a variety of private groups and all of the national defense and intelligence community of our Government, there has not been a single hearing during the 110th Congress on this legislation, let alone a hearing on the general need for the media shield legislation. It is obviously not ready for prime time.

Let me mention one problem—and I will speak more on this tomorrow—to illustrate some of the other problems the bill has, one illustration of what additional work needs to be done. This is one that could easily be resolved, and I don't understand why the sponsors of the legislation would not be willing to deal with it.

The bill fails to provide an exception to the privilege for information necessary to investigate a terrorist attack. Let me repeat that. You could not investigate a terrorist attack under the exclusion that is provided in the bill. The committee-reported bill would only provide an exception in section 5 for ''protected information that a Federal court has found . . . would assist in preventing an act of terrorism,'' or ''other significant and articulable harm to national security.''

I raised this question in a hearing. The exception makes no mention of information that would assist in investigating a terrorist attack or other significant event. It only talks about preventing. This is the kind of thing that could be fixed, and I don't understand why the authors of the bill wouldn't be willing to fix it.

Under the form in which it would be brought forward, obviously the majority leader would fill the parliamentary tree, there would be no opportunity for amendments, and we would be stuck on a take-it-or-leave-it basis with a piece of legislation that is highly flawed, totally criticized by the intelligence community and many in the private sector, as well.

The point, of course, is that the Democratic leader is simply throwing legislation out on the floor with the hope that somehow or another we will be able to divert attention from the subject of energy, the bill we are currently on. We should neither vote for cloture for the media shield bill nor the tax extenders bill nor any other piece of legislation, as I said, until we complete our work on energy. We could do that in a matter of 2 or 3 days. We can clearly do it before we leave here in August. But under no circumstances should we leave the important Energy bill to go off onto a piece of legislation such as this media shield bill.

I hope when we have the cloture vote tomorrow, my colleagues will join me in voting no on cloture on this legislation so we can deal with the No. 1 priority of the American people, and that is our energy crisis in America.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to speak on an important issue related to my responsibilities as chair of the Coast Guard and Fisheries Subcommittee in the Commerce Committee. I see some of my colleagues on the floor. I ask unanimous consent that following my remarks, Senator DORGAN be recognized for 10 minutes, Senator MURRAY for 10 minutes, and Senator SALAZAR for 10 minutes. Knowing that my colleague, Senator SPECTER, is expected to show, when he shows up we will fit him in the sequence back and forth, depending on when he shows up.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW ORLEANS OIL SPILL

Ms. CANTWELL. Mr. President, last week over 400,000 gallons of fuel spilled into the Mississippi River near New Orleans after a chemical tanker collided with a fuel barge and literally split the barge in half.

This is a picture depicting the Coast Guard looking at the two halves of this barge that was split in half right in the heart of New Orleans, causing serious damage in the area from diesel and diesel fumes, even impacting the French Quarter.

Now, the second chart shows the impact of that spill on downtown and the seriousness of that spill in the region. This major spill has closed the Mississippi River from New Orleans to the river's mouth, choking off one of the Nation's most important major commercial arteries. Even now, a week later, only a few ships can get through on this 100-mile stretch of the lower Mississippi.

As the picture shows from the night of the accident, the mighty Mississippi was covered with this eerie sheen right in the downtown area of New Orleans. Now, a week later, some of the heavy fuel oil has turned into tar balls, bouncing and sticking and contaminating this waterway. The spill has slowed down New Orleans' normally thriving waterfront, and the economic impact is already being felt. To put this tragedy into perspective, the economic loss from a total shutdown of the port would cost our Nation's economy around $270 million a day.

While the Coast Guard has begun to allow limited essential vessel traffic back into this area, at one time point over 800 tugs and barges were impacted by the spill, and many ships are still waiting to return to this vital transportation corridor that needs to be reopened. We are only now beginning to understand fully the economic and environmental impacts this spill has caused.

Unfortunately, as many of my colleagues know, these sorts of spills are becoming all too frequent. Last November, the Cosco Busan cargo ship spilled 54,000 gallons of highly toxic bunker fuel into San Francisco Bay, costing well over $50 million in cleanup costs.

Hurricane Katrina and Rita caused spills totaling nearly 8 million gallons, released throughout the Gulf of Mexico region.

In December of 2004, the Selendang Ayu broke apart, pouring 350,000 gallons of oil into the waters off the Aleutian Islands, killing countless sea birds and marine mammals and sea otters.

In 2004, in my home State, the oil tanker, Polar Texas, spilled 1,000 gallons of crude oil into the Puget Sound. This spill in the Dalco Passage cost millions of dollars to clean up and was a real wake-up call to many of my Washington constituents.

As I know the Presiding Officer, Senator LAUTENBERG, is aware, because he has been a great champion over strengthening the oil spill prevention safety net, the oil tanker, Athos, spilled over a quarter-million gallons of crude oil into the Delaware River and its tributaries in November of 2004.

As chair of the Commerce Subcommittee with jurisdiction over oil spill issues and the Coast Guard, I want my colleagues to know the Commerce Committee has been working hard to try to give the Coast Guard the tools it needs to prevent these spills and to respond quickly and effectively when a spill happens. Over the last few years, the committee has held several hearings and has asked for and received information from the Coast Guard and Government Accountability Office, and worked to help understand and update the Nation's oil spill prevention safety net.

We worked hard to develop a thoughtful and balanced piece of legislation that would help prevent more of these tragic spills from happening again. Almost exactly 1 year ago, after months of bipartisan negotiations, the Commerce Committee unanimously reported the 2007 Coast Guard authorization bill, which contains many of these oil prevention provisions. I would like to thank Ranking Member STEVENS for his thoughtful improvements and his strong support of these vital provisions, which would update the Oil Pollution Act of 1990.

Even though we have this bipartisan bill before us that has come out of the Commerce Committee, and even though it is critical to our national security and emergency preparedness, it is still being subjected to the same kind of obstructionism from a handful of Senators who don't want to move forward on the legislation, a situation we are becoming all too familiar with on the Senate floor. In this case, the bill is being held hostage by one or two Senators who seem interested in stopping its progress. They do not seem to care that it has the support of the Bush administration's Department of Homeland Security, which stated it ''strongly supports'' this legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the Department of Homeland Security letter to the chairman, DANIEL INOUYE, and the vice chair, TED STEVENS, from Donald Kent, Assistant Secretary, Office of Legislative Affairs.

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

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, May 19, 2008.

Hon. DANIEL INOUYE,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Hon. TED STEVENS,
Vice Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUYE AND VICE CHAIRMAN STEVENS: This letter sets forth the Department of Homeland Security's views on S. 1892, the ''Coast Guard Authorization Act for Fiscal Year 2008.''

As noted in the Department's September 20, 2007, views letter, the Department strongly supports S. 1892, as reported by the Committee on Commerce, Science, and Transportation. As the Senate prepares to take up the measure, the Department urges the Committee to review anew the Department's objections that are set forth in that views letter and prepare amendments that would address the concerns of the Department and the Coast Guard.

The Department urges the Committee to seek amendments that would further perfect two of the three key Administration initiatives (i.e., sec. 201 (Vice commandant; vice admirals) and sec. 916 (Protection and fair treatment of seafarers)). Specifically, the Department would strongly support amendments that, with regard to sec. 201, would

provide for the treatment of incumbents during the period of transition and, with regard to sec. 916, would allow the use of community service moneys to provide necessary support for other seafarers who have been abandoned in the United States.

The Department also urges the Committee to reject any future amendment to the Coast Guard Authorization Act that would prescribe the manner in which the Coast Guard executes missions, affects or divests the Service of its adjudicatory functions, prescribes the qualifications of Coast Guard officers, imposes reporting requirements that attribute expenditures to a single mission area, or prescribes acquisition practices harmful to the interests of the Government that would otherwise cause the Administration, the Department, or the Coast Guard to object strongly to the bill. From the viewpoint of the Department and the Coast Guard, the absence of such language reflects positively on the Committee and the institutional role of the Senate. The Department applauds the Committee's past and future efforts to ensure that S. 1892 remains free of such and like language.

Both the Department and the Coast Guard appreciate the Committee's willingness to work amicably with all parties to pass a bill that would enhance the organizational efficiency and operational effectiveness of the Coast Guard, yet preserve the Commandant's authorities as Service Chief. The Department is confident that, during further congressional consideration, the Committee, the Department, and the Coast Guard can agree on language to address the Senate's objectives, as well as the Department's and the Coast Guard's concerns.

The Department and the Coast Guard deeply appreciate your efforts to resolve those issues that preclude the Senate from taking up and passing the measure. The Department stands ready to assist you in this endeavor.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report to Congress.

I appreciate your interest in the Coast Guard and the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative Affairs.

Sincerely,

DONALD H. KENT, Jr.
Assistant Secretary,
Office of Legislative Affairs.

Ms. CANTWELL. Mr. President, I also want to make sure people understand the Coast Guard and its commandant, Admiral Thad Allen, have been working hard to see this legislation passed. In fact, Admiral Allen has made the statement: ''The swift enactment of these provisions would significantly improve safety, security, and stewardship in the maritime domain.''

But these Senators refuse to meet with the Coast Guard Commandant who wants to at least have a chance to explain why he needs this legislation to pass so the Coast Guard can do the critical job of securing our Nation's waterways.

Let me take a moment to describe why this bipartisan legislation is so important. First, it would require the Coast Guard to have rules in place for how it needs to respond to any kind of wreckage or salvage operation, such as the wreckage in the Mississippi River from the incident last week. Because no strict guidelines are in place as to the amount of time it takes to respond to oil spill wreckage, a barge, such as the one in the Mississippi, could be left for many days in the middle of the river.

Another section of the legislation addresses human error. We don't know what caused this spill yet, although we know there was not a properly licensed pilot in the tug pulling the barge, and we do know human error is the cause of many spills. In fact, the bill requires the Coast Guard to take into consideration human error causes of spills and how best to address them.

The Coast Guard would also benefit from the fact that NOAA's oil spill response program would get up to an additional $15 million per year from the oil spill liability trust fund. This program is currently on the ground helping with the oil spill in Louisiana, but they are limited in their ability because of severe budget constraints. So certainly having this bill passed would have helped in the response in New Orleans.

There are other significant measures that will help in improving our Nation's oil spill prevention safety net. So I hope my colleagues can help us get this legislation over the goal line because it is critically important we do so before we leave for the August recess.

It provides the Coast Guard with the critical resources and authority it needs in other areas as well—to fight terrorists, to capture drug runners, and to defend our homeland security. So isn't it time to help push the Coast Guard into the 21st century and begin planning for the challenges of tomorrow, rather than continuing to struggle with the challenges of today? And isn't it time we pass this legislation that might actually help prevent another oil spill from happening again, such as the one in Louisiana, and to give the Coast Guard the tools it needs?

Tomorrow, I will be asking my colleagues for unanimous consent to pass this legislation. I hope my colleagues on the other side of the aisle who believe in strong tools for the Coast Guard will talk to their colleagues and ask them to stop blocking this legislation so we can get on with preventing another incident such as this one from happening again.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from North Dakota.

BEIJING OLYMPIC GAMES

Mr. DORGAN. Mr. President, a week from Friday we will see the start of the Olympics, held every 4 years, where people from all over this globe come together and compete on the athletic field. And with the start of the 2008 Summer Olympic Games, I wish to talk for a moment about what is happening today in China.

I wish to be clear that I have great respect and admiration for the Chinese people. I have visited their country and enjoyed long conversations. I have had an opportunity to stand on the Great Wall of China and understand some of the history of this great country. But no one should confuse the Chinese people with their unelected Government. The differences I have are with the Government of China regarding human rights, the rule of law, and freedom of speech, and they are very significant.

The Government of China was awarded the Games by the International Olympic Committee only after it pledged to respect the Olympic Charter and to improve its human rights record. The charter of the Olympics states that the goal of the Olympic Games should be to promote ''a peaceful society concerned with the preservation of human dignity.''

The world had high hopes that China's leaders would ensure that the Olympics took place in an atmosphere that advanced freedom and openness and reflected genuine progress on human rights. But those hopes have been sadly dashed. Human rights conditions, unfortunately, have worsened in China.

Individuals who have publicly spoken out about the Olympics, or who have spoken about abuses in China and Tibet, and have been punished or harassed as a result include lawyers, bloggers, journalists, community activists, NGO workers, Tibetans, Muslims, Christians, parents of children who died in earthquakes. The list goes on and on.

Now, every country that has ever hosted an Olympics has had critics, both at home and abroad. China has also had critics of it hosting the Games. But instead of being tolerant of dissent, what China has done is hit back hard with a combination punch of intimidation and, too often, imprisonment.

I am the cochairman of the Congressional-Executive Commission on China, and we maintain the most complete database of China's political prisoners accessible and searchable by the public. We now have 4,400 records in that prison database, and I wish to discuss three of those prisoners today. I call them Olympic prisoners of conscience.

The first is Hu Jia. This is a picture of Hu Jia. Hu Jia is a courageous activist jailed last December by the Chinese for comments he made at a European Parliament hearing. He was invited to speak at the hearing, were he made some statements that were critical of his country hosting the Games. He was then detained and his wife and infant daughter were put under house arrest for several months. In April, Mr. Hu was sentenced to 3½ years in prison for ''inciting subversion of state power.'' Since then, his young family continues to be harassed and is still under surveillance. Hu Jia is quite ill in a Chinese prison, where he is being held for simply speaking his mind at a European Parliament hearing.

Here is a photograph of Mr. Yang Chunlin. He is a laid-off worker, an unemployed worker in China. He has been repeatedly detained for helping farmers trying to seek compensation for lost land. Last summer, he organized a petition titled ''We Want Human Rights, Not the Olympics.'' He was subsequently arrested, and he was charged with inciting subversion of state power.

Let me say that again. The charge was ''inciting subversion of state power.'' Now in prison, he has reportedly suffered severe beatings, which have caused damage to his eyesight.

Finally, I wish to mention Ye Guozhu. This courageous Chinese citizen is pictured in this photo alone, smiling. In 2003, three generations of his family have been evicted from their Beijing home to make way for the Olympics-related construction. In 2004, he applied for permission to organize a protest against other alleged forced evictions in Beijing in connection with preparations for the Olympics. Mr. Ye was arrested and sentenced to 4 years in prison for provoking and making trouble. The charge is ''provoking and making trouble.'' He has reportedly been tortured in prison. Having served his sentence, he was finally expected to be released from prison this week, but his release has now been further delayed, allegedly due to the concerns that he might speak to the foreign press during the Olympics.

The right to speak freely and the right to challenge the Government in China, all of these are enshrined in China's constitution. Yet all are being violated in the run up to the Olympic Games.

Now, here is list of 807 cases of political prisoners developed by the Congressional-Executive Commission on China, CECC. I have shown the photographs of three Chinese prisoners, prisoners who have been sentenced to prison terms because they had a determination to speak out. They wanted the ability to criticize their Government. This list of 807 cases is part of 4,500 case records contained in our database. This document is published by the Congressional-Executive Commission on China. This particular document has 807 cases of political prisoners, all the detailed information on political prisoners known or believed to be detained in prison in China. The Commission notes that ''there are considerably more cases than these 807 cases. These represent a subset of 4,500 case records contained in the political prisoner database created by our commission.''

That database, if anyone is interested, is accessible and searchable by the public at www.cecc.gov.

I have just described the CECC political prisoner database, as well as three of the prisoners contained in this document, for this reason: A week from Friday, President Bush will be attending the opening ceremony of the Olympic Games. Today, President Bush met with four Chinese dissidents, including Rebiya Kadeer, Harry Wu and others. I commend the President for that meeting. I know he has an interest in this issue, the issue of liberty and of freedom of speech in China. But I hope and I implore the President not to miss the opportunity of while going to the opening ceremony of the games in China, at the same time providing the CECC list on political prisoners to the Chinese leaders. If the President is going to attend the opening of the Olympics, I believe there is a responsibility to make the trip genuinely count, and not just to celebrate the Olympics.

The Olympics are a wonderful way for people around the world to come together. All of us support the Olympics. I certainly do. But I believe very strongly that the 807 people in China now in prison, contained in these records must not be forgotten. I believe strongly the leaders of the Chinese Government should continually be confronted with the names of these individuals who are imprisoned merely for their belief and speech. The Olympic charter talks about respect and human dignity. The Chinese Government made representations to the international community if it was given the privilege of hosting the Olympics, it would meet the test of that charter. Regrettably, it has not.

Again, I commend President Bush for meeting with the four Chinese dissidents today at the White House. I think that was an important step. I hope when our President goes to the opening games in China a week from Friday, he will take this prisoner list with him—which we will send to him tomorrow at the White House—and that he will, when he meets with Chinese leaders show them the names of the 807 brave and courageous men and women contained in the list, who believe in the right of free speech, who desire freedom for themselves and their families, who in most cases are unfairly imprisoned for transgressions that are things we would take for granted in this country where we have such great freedom.

We will be sending this to the President in the hope that he will continue to raise these names with the Chinese Government. In conclusion, the Congressional-Executive Commission on China maintains the most significant publicly accessible database that exists in the world of those who now sit in prisons in China for having the courage to speak the truth, for having the courage to do and say the things we take for granted every single day in the United States.

My hope is looking at just one of these cases, and knowing there are many more than the 807 in this list, all of us will use the opportunity of the Olympcis to say to the Chinese Government: Stop the harassment and detention. Stop imprisoning innocent people. Live up to your own Constitution's protections for the Chinese people. My hope is our country, including our President, will continue to raise these subjects with the Chinese leaders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

TAX EXTENDERS

Mrs. MURRAY. Mr. President, in the last year, Americans here at home have faced an ever increasing number of challenges—skyrocketing gas prices, the mortgage and foreclosure crisis, record job losses, and devastating natural disasters. Families are hurting in this country today and they need relief right now.

I have come to the floor this evening because we will soon be voting on legislation that will help ease the burden for many of these families. We know it is not perfect, but the Jobs, Energy, Families and Disaster Relief Act of 2008 will take important steps to create jobs and provide disaster relief to flood, tornado, and hurricane victims. That bill includes critical provisions that will help our renewable energy industry continue to thrive and to shore up our Highway Trust Fund as well. It also includes provisions that are important to my home State of Washington, including a measure to extend the sales tax deduction and help our rural schools.

I come to the floor this evening to take a few minutes to urge my colleagues tomorrow to support this legislation and help get it into the hands of our taxpayers and our communities that so desperately need it. I will begin by explaining how important it is that we extend the sales tax deduction.

In most States, taxpayers can deduct their State income taxes on their Federal tax returns. But people who live in my home State of Washington historically have not had that option. Back in 2004 I worked with my colleagues from my home State of Washington, Senator CANTWELL and Congressman BAIRD, on a measure that temporarily enables taxpayers to take an itemized deduction for State and local sales taxes. That provision enabled nearly 1 million people to save an average of $519 to $575 each and every year. It has helped many of our middle-class families pay for school or cars or other major expenses.

The Washington State Office of Revenue Forecast has told us that the sales tax deduction has actually created thousands of new jobs in our State. But it was a huge blow to the taxpayers in my home State when that sales tax deduction expired in December and then our Republican colleagues decided to block a bill that would have extended it for 2 more years. Tomorrow we will have, finally, another chance. That proposal we will vote on would extend this provision to the end of 2008.

At a time when so many of our families are struggling to get by, at a time when we are looking for innovative ways to stimulate the economy, it is vital that we approve that measure tomorrow and establish fairness in our State tax system and put money back

into the pockets of our State taxpayers.

Another provision in this same bill we will be voting on tomorrow is important to help communities in my State and others pay for roads and schools and basic services. In Washington State and in other big Western States where vast areas of land are owned by the Federal Government, States currently lose millions of dollars in tax revenue that normally would go to pay for our schools or our local government services. In the past, the Federal Government shared the revenue from timber sales on our Federal lands to help our States make up for that lost revenue. But because timber sales have been decreasing since the middle of the 1990s, Congress passed an act called the Secure Rural Schools Act, to ensure that our rural communities and counties would continue to get the money they need to pay for their schools and their roads and provide basic services. That act expired 2 years ago now. While we funded it for a year on the fiscal year 2007 supplemental, it has not been extended this year, and that means our rural communities in my home State and across the West are now struggling to keep their school doors open. Some of our counties, in fact, have already been sending out pink slips.

The bill we will vote on tomorrow will again extend that program to 2011 and adjust the funding formula to make it more equitable and increase Payments in Lieu of Taxes to these rural communities and counties across the country. This provision is extremely important to our rural communities. All of our children deserve an equal opportunity to learn, regardless of where they live. That is why the secure rural funding program is so important. I hope our colleagues across the aisle will join us tomorrow to vote for this.

I also want to say a few words about the highway trust fund fix, which is also in the same bill we will be voting on. The condition of the highway trust fund, which helps us pay for all of our highway repair and construction across this country as well as mass transit, has been deteriorating now for years. Skyrocketing gas prices have made an already dire situation worse.

This year we are going to see the largest recorded decrease in highway miles traveled in the last 17 years. As a result of that, the highway trust fund is now less than a year away from going bankrupt. That is going to leave a lot of critical construction projects in every one of our States in peril.

I, along with Senator BOND, who is the ranking member on my Transportation and Housing Appropriations Subcommittee, have been sounding the alarm about the problems facing our highway trust fund for almost 2 years now. In January of 2007 we wrote and voiced our concerns to Senator BAUCUS and Senator GRASSLEY on the Finance Committee and they promised to help us fix this problem.

The Senate has now tried twice to move a bill through the Senate to fix the highway trust fund for this year, for 2009. There is a broad, bipartisan consensus for solution. But, unfortunately, our efforts have been blocked repeatedly by a few Senators.

This bill we will vote on tomorrow, if it passes, will provide enough money, $8 billion, to get us through this coming fiscal year. That means our construction projects can continue to go forward in every single State and it will help us keep as many as 380,000 good-paying jobs to continue critical construction and repair projects that will make our highways and our bridges safer. That proposal that is in that bill will not have any revenue effect. It passed the House on July 23 by an overwhelming majority and it is vitally important to all of our communities that this Senate do the same thing.

I hope our colleagues join with us tomorrow to invoke cloture and move to this bill, this tax extenders bill, so we can put this provision in place.

That same bill also includes a number of other provisions that will help ease the burden of the faltering economy for our taxpayers. It will extend the tax credits for wind, biomass, geothermal, and other renewable energy providers, and help provide stability for that developing industry.

As I said at the beginning of my remarks, the bill is not perfect. Unfortunately, we have had to leave out some worthy items. But it is an extremely important bill and we are very close to making this legislation a reality. We need a few Senators to vote with us tomorrow morning.

I am worried. I come to the floor to speak tonight because I am concerned that there are some on the other side of the aisle who seem to be willing to play politics, rather than help us bring forward this bill that will create jobs and support clean energy and provide tax relief for our families. I am here tonight to say this is far too important an issue with which to play politics. Not only are all of these provisions critically important but they are time sensitive. They are time sensitive. At a time when our economy is lagging and so many families are struggling, we need to get these programs in place and we need them now.

I hope that tomorrow morning when we vote on the cloture to move to this tax extenders bill that our friends on the other side will join us, that they will put politics aside and hopefully make American families a priority.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I come to the floor this evening to speak in support of S. 3335, which is the Jobs, Energy, Families and Disaster Relief Act on which this Chamber will have an opportunity to vote tomorrow morning. It is a real, honest solution to how we move forward on a variety of challenges that face the Nation today, including the huge challenge of energy which we know we face. This has been debated for the last several weeks here on the floor of the Senate.

It is my sincere hope we will be able to join in a strong bipartisan vote in support of this legislation, which was crafted in the Finance Committee under the leadership of Senator BAUCUS.

Through his leadership, this legislation that we will vote on tomorrow morning will create the opportunity for us to demonstrate to the American people we can, in fact, find solutions to some of the major problems that are facing us as a nation today.

I want to focus, first of all, on the energy tax extenders that are included in this legislation. This legislation will help us as we address the energy challenges of the Nation by making sure what we do is to open the door to one of the cornerstones of alternative fuels and energy independence that we need for America.

It will provide extension of the production tax credit, to the investment tax credit, for an industry and for markets that need certainty, and that certainty can only be provided by giving the long-term extensions that are created in this legislation.

A ''no'' vote on this legislation tomorrow is a disastrous effect to an industry that is still in a nascent position, an industry that has a horizon where within a few years we can start making some very dramatic impacts to the energy needs of America.

Projections by the experts show that a failure to extend the solar and wind tax incentives alone will result in the withdrawal of nearly $19 billion in capital investments and the loss of more than 116,000 jobs in 2009. That is 116,000 jobs in 2009.

At this point, we look at the pillars of the American economy, and they are shaky. Last Saturday, it took a Saturday session, but we were able, here in the Senate, with a very strong bipartisan vote, to help put one of those pillars of the American economy on a pathway where we will be able to strengthen that pillar. That has to do with the housing crisis that America has been facing.

Tomorrow morning we have another opportunity to address another one of those pillars that is somewhat shaky, in fact, very shaky, and causing a lot of pain to the American consumers and to American national security; that is, the issue of energy which is addressed in the tax extender package that we will be voting on tomorrow morning.

When we think about the fact that people are concerned about the economy, they are concerned about their jobs, they are concerned about the pain at the pump, the fact that we have an opportunity to do something about it tomorrow morning, hopefully, will result in the kind of resounding bipartisan vote that we saw on the housing package on Saturday in this Chamber.

All people have to think about is the fact that we need to move forward with a new energy future; the fact that if we do not pass this energy legislation, just on the energy piece of this legislation, 116,000 jobs will be lost in 2009. So a ''no'' vote on this legislation is essentially saying no to 116,000 jobs that would be created through the renewable energy world, including through wind energy, which is included within this legislation.

I want to make sure that everybody understands, my colleagues in the Senate, and I know that the Presiding Officer, a distinguished member of the Energy Committee, very much understands this reality; that is, we are not talking about the theoretical or pie-in-the-sky kind of stuff, things that may happen in the year 2050 or in the year 3000.

This is a picture of a small farm with small wind microturbines that are actually producing enough electricity to be able to power the entire farm operation. In many retail shopping centers around the country, you see these kind of small wind turbines that are creating most of the wind power necessary to power those shopping centers across America.

Wind power is here in a very real way, as is solar, as is our opportunity to harness the power of biofuels. Let me say in my home State of Colorado in the brief time that I have been in Washington, DC, I have seen what we have been able to do.

In 2004, in the State election when I was elected to come to the Senate, I was one of the supporters of the renewable portfolio standard that created the vision that we would produce 10 percent of our energy from renewable energy resources by the year 2015.

As a result of the passage of that legislation, and as a result of the work that the Congress did in 2005 with the Energy Policy Act and other legislation that we have passed to create incentives for renewable energy, we are making a major difference in my State of Colorado. Wind power alone today accounts for over 1,000 megawatts of power being produced in my small State of Colorado and 1,000 megawatts of power is about the equivalent of three coal-fired powerplants. The wind industry tells us we are just beginning.

For those who have heard and listened to the highly publicized visit of T. Boone Pickens to the Congress in the last week, you know what he says about wind and how he is investing in wind because we know we can harness the power of the wind. It is not some theoretical committee possibility. We are doing it in Colorado, we are doing it on farms and ranches across the State, and we are even doing it in the cities and in the shopping centers across the State. But it is more than wind. It also is about solar energy.

A few years ago there was no solar energy being created in our State. Yet, today, a few years later, we have a solar powerplant in my native San Luis Valley that is producing about 10 megawatts of power.

Our military has been leading in many ways in creating a new energy future for America. Now Fort Carson has a solar powerplant which is providing a significant amount of power to our men and women in uniform at Fort Carson. And at Denver International Airport we are about ready to plug in what will be a new solar powerplant.

In Colorado and across the Nation we have shown that we can harness the power of the wind, that we can harness the power of the Sun, that we can harness the power of biofuels. Those programs are all what is at stake when we vote on the cloture motion on the so-called extender package.

What we have done is we said wind energy is important for America, so we are going to have an extension that will allow the wind energy industry to make plans for the future. We have said biofuels and hydropower and biomass are important. In this tax extender package we have said that we will provide the tax credits or the tax incentives that are necessary for the next 3 years. We have said that solar has huge potential and we should put in an 8-year tax credit for solar in the United States.

Again, this is not theoretical work that we are doing, this is real work. Places in Arizona, for example, are looking at the construction through the Arizona Public Service Company of a 400-megawatt powerplant. In my own State we are looking at the possibility of expanding our 10-megawatt powerplant in the San Luis Valley up to 100 megawatts of power.

So if we can put these kinds of incentives in place with a 2016 horizon, we are going to make a dramatic difference in terms of how we provide energy to our Nation. So I am hopeful that as we move forward we will be able to have a strong bipartisan vote in support of this energy legislation.

OIL SHALE

I wanted to address one issue that the other side has come to the floor often and talked about for the last 2 weeks; that is, the issue of oil shale. I think as we deal with this energy crisis that we find ourselves in today we need to be honest and straightforward and truthful with the American people. And that means one of the things we ought to require of ourselves as public servants is that we ought not to be about phantom solutions. We ought not be about propounding phantom solutions that we know are not true because for some reason they become politically expedient for someone running for political office.

We need to be truthful with the American people. One of those phantoms that has been talked about for hours endlessly on the floor of the Senate has to do with the potential of oil shale where I have seen many of my colleagues with their charts coming out of the cloakroom across the aisle, saying there are some 2 trillion barrels of oil that are locked up in the oil shale of the Rockies; 80 percent of that on the western slopes of Colorado.

So because it is in my State, I have taken it upon myself to know about oil shale, to study the booms and busts that have come with oil shale for at least 100 years. I would only say that we are a long ways from developing oil shale and creating gas or diesel out of oil shale or other kinds of fuel that we can actually use in America. The technology simply is not there.

Oil shale is shale. It is oil that is locked up in rock.

Mr. President, I ask unanimous consent that I have an additional 4 minutes to complete my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, oil shale is oil that is trapped in rock. It is different from the tar sands of Canada today where you can easily, through the technologies that have been developed, create and produce millions of barrels of oil.

It is different than oil sands which exist in other places around the world. Oil shale is shale. It is rock. It is hydrocarbon that is locked up in that rock, and 100 years of trying and billions of dollars for research and development to try to figure out how to take the hydrocarbon out of that rock has not gone anywhere. Yet that does not mean we should all shut the door to the potential of developing oil shale. And someday we may.

In fact, I was one of the people who helped put together the 2005 Energy Policy Act that created a research and development program, which is well underway in my State of Colorado, to determine whether we can develop this oil shale in the ground.

But we have a number of questions which have not yet been answered. So it is not a panacea for anybody to come over here to the floor of the Senate today and say that oil shale—somehow we are going to wave a magic wand and all of a sudden that is going to deal with the pain at the pump today. It simply is not because we do not yet know how to take the hydrocarbon out of this rock.

The oil companies themselves—Chevron Oil—said this not so long ago, on March 20 of 2008. Chevron, an oil company most people are familiar with, Chevron and what it does, said:

> Chevron believes that a full-scale commercial leasing program should not be made at this time without clear demonstration of commercial technologies.

That was Chevron in March of this year. Last week, notwithstanding what the industry is saying about oil shale, the Department of the Interior decided that it would move forward and that it would attempt to develop the oil shale through a commercial leasing program. Even within those comments of the Department of the Interior, the BLM said on July 22, 2008—this is the agency of our Federal Government that is going to be responsible for developing commercial oil shale:

It is not presently known how much surface water will be needed to support future development of an oil shale industry. Depending on a need, there could be a noticeable reduction in local agricultural production and use.

We do not know whether it is 100,000 acre feet or 200,000 acre feet or 1 million acre feet. We simply do not know. Finally, the BLM also said on that same day:

The lack of a domestic oil shale industry makes it speculative to project the demand for oil shale leases, the technical capability to develop the resource, and the economics of producing shale oil.

I conclude by simply saying that as we look at energy solutions for this very difficult challenge America faces today, let's focus on real solutions. Let's not focus on phantom solutions.

One of the real solutions we will be voting on tomorrow will be the energy provisions of the tax extender bill that will embrace a new energy frontier with what is the cornerstone of energy independence that says alternative fuels are one of the ways in which we will get to that energy independence.

Mr. WEBB. Mr. President, I rise today in support of the Jobs, Energy, Families and Disaster Relief Act of 2008, S. 3335. Earlier versions of this bill failed to overcome minority opposition. But now is the time for the Senate to pass this legislation in an expeditious manner.

This narrowly targeted and fair-minded bill contains several important provisions. Some of these provisions will help promote economic fairness. For example, this bill extends critical tax relief for working families and college students. Moreover, this legislation will help incentivize the development of alternative energies that will reduce our Nation's dependence on foreign sources of oil.

In addition, I support this bill because it contains provisions to help repair our Nation's aging infrastructure, provide relief for Americans suffering from recent natural disasters, and require parity for mental health care treatment with other medical treatment.

One of the noteworthy provisions in this legislation relates to an issue that is important to constituents in my home State of Virginia—namely the research and development tax credit—referred to as the ''R&D'' tax credit. This bill will extend the R&D tax credit for another year.

As most of my colleagues know, Congress originally enacted the temporary R&D tax credit in 1981. Expenditures for R&D go to wages paid to employees performing qualified research activities, as well as supplies used to conduct this research. Since 1981, U.S.-based research and development have had a track record of spurring U.S.-based innovation.

The Commonwealth of Virginia has helped to lead the innovation revolution. Since the 1980s, small and large businesses across Virginia have thrived. Many of these Virginia businesses engage in fields such as information technology, telecommunications, manufacturing, computer software, aerospace, and energy. A renewed R&D tax credit extension will help Virginia's businesses continue to compete effectively around the world and help protect Virginia's economy.

As Virginia's research-driven companies have flourished, many Virginians have found employment in the R&D field. These jobs traditionally are stable, high-paying jobs that have helped to strengthen not only Virginia's business sector but also Virginia's families and communities.

The Commonwealth of Virginia is among the top States ranked by number of firms engaged in R&D activity. Virginia's industrial R&D activity totals over $2 billion per year. And my home State is among the top States contributing to our Nation's R&D performance.

If Congress allows the R&D tax credit to lapse, the consequences will be large. The lapse of the tax credit could cost the American economy tens of millions of dollars per day, as companies delay or cancel R&D-related activities. Many of our Nation's overseas competitors—including China and several European nations—offer an R&D tax credit and would gain a big competitive advantage over the United States. Failure to renew the R&D tax credit would allow our foreign competitors to attract researchers and facilities at the expense of U.S. research. But most importantly, if Congress does not renew this much-needed tax credit, we will see more Americans lose their jobs at a time when hardworking families already are suffering.

On three occasions this year, many Senators have thwarted the majority leader's attempts to begin debate on tax extenders legislation. I ask my colleagues this time to allow this tax legislation—including the R&D tax credit—to move toward final passage. Let us work together to keep our R&D sector competitive and let us support policies that will drive the next generation of American innovation.

MORNING BUSINESS

AUTISM

Mr. DURBIN. Mr. President, as a Senator, I often meet with constituents about their concerns. I hear a lot of stories about their lives. No story is more compelling than that of a parent looking for help for their sick child. My office receives hundreds of letters and phone calls each year from Illinoisans asking Congress to do something to help with the burden that autism brings, and we are hearing from more families every year.

Two years ago, I heard from one woman whose story reflects the experience of so many families. Ellen wrote to let me know that her son's autism was a constant source of worry for her. She loves her son. At the same time, she worries that her son's siblings carry a genetic tendency for autism and that their own hopes for marriage and children are tainted with concerns about this genetic tendency. She worries that one day, her other son will have to bear the strain of raising a child who is affected by autism. Ellen writes, ''As much as we love our son, we would give anything to have him be 'typical.' He will always require supervision and assistance. He is the great passion of my life and also a very great burden.''

Autism has become the fastest-growing developmental disability in America. In the past decade, the State of Illinois has seen a 353 percent increase in the number of children diagnosed with autism. Today, one out of every 150 children born will eventually be diagnosed with some form of autism. When a family has to hear that their child, sibling, or loved one is diagnosed with autism, there are a number of questions that immediately arise. Is there a cure? What caused this? Where do we seek help? How will this affect our family financially?

Parents are searching for answers, and through medical and public health research, we can further our understanding of the challenges families are facing. During the 109th Congress, I was a cosponsor of the Combating Autism Act, which the President signed into law in December 2006. The new law calls on the Federal Government to increase research into the causes and treatment of autism, and to improve training and support for individuals with autism and their caretakers. The law will help millions of Americans whose lives are affected by autism and will begin to give us answers to outstanding questions related to an individual's diagnosis. But more importantly, the new law demonstrates the commitment of Congress to delve deeper into this critically important issue for millions of families. Recently, the Centers for Disease Control and Prevention launched the Study to Explore Early Development—a study primarily focused on the causes of autism spectrum disorders related to genetic and environmental factors. This study is the first to comprehensively look for causes of autism with over 2,700 families involved.

In addition to looking into the causes of autism, we are working to improve the quality of life for those living with autism today. I am proud to cosponsor the Expanding the Promise for Individuals with Autism Act. This bill would expand access to treatment, interventions, and support services for people with autism. All families living with autism do not have the ability to access services like those offered at the Hope School in Illinois. Through committed staff and a community-based treatment approach, the Hope School makes every day a little better for kids living with autism. This bill would help replicate resources like the Hope

School in other States to better serve the autism community.

And Illinois has gone further to help families in need of financial assistance. Because the cost of autism-related services is so overwhelming, both the Illinois General Assembly and the Illinois State Senate have passed legislation requiring health plans to provide coverage for the diagnosis and treatment of autism. Like many other States throughout the country, Illinois is responding to the voices of 26,000 children saying their families need help.

Last week, the Director of the NIH, Dr. Elias Zerhouni, testified before the Labor-HHS Appropriations Subcommittee. During the hearing, I asked him to tell us what the NIH is doing with regard to research on autism. He discussed recent findings related to potential genetic links, which may help target the search for the causes of autism. For the sake of the millions of people living with autism and the families and friends who love them, we in Congress have to do our part by funding the NIH so that the research community can proceed quickly to unlock the mysteries surrounding this terrible disorder.

RULE XLIV COMPLIANCE

Mr. INOUYE. Mr. President, as chairman of the Committee on the Conference of H.R. 4040, in compliance with rule XLIV of the Standing Rules of the Senate, I certify that that no provisions contained in the conference report meet the definition of a congressionally directed spending item under the rule.

HOUSING ASSISTANCE TAX ACT

SECTION 42 HOUSING PROJECTS

Mr. BINGAMAN. Mr. President, I wish to thank the chairman of the Finance Committee, Senator BAUCUS, for including language in H.R. 3221, which this body passed on July 26, to clarify the ''general public use'' requirement relating to the Low-Income Housing Tax Credit Program. That clarification responds to recent Internal Revenue Service guidance to State and local housing credit agencies that has cast a cloud on existing properties and future development targeted to special populations.

Since enactment of the Housing Credit Program in 1986, and prior to the recent IRS activity, the general public use requirement was understood to prohibit projects from being (1) rented in a manner inconsistent with HUD housing policies regarding nondiscrimination, (2) rented to members of a social organization or to employees of specific employers, or (3) part of a hospital, nursing home, sanitarium, lifecare facility, trailer park, or intermediate care facility for the mentally or physically disabled. This understanding has resulted in numerous section 42 housing projects being developed nationwide that target certain populations, including, for example, veterans, farm workers, first responders, teachers, artists, low-income parents attending college, pregnant or parenting teens, and domestic abuse victims.

In my home State of New Mexico, the Housing Credit Program has been essential to the construction of housing for many low-income individuals, including housing that is specifically targeted toward farm workers. Among our great success stories is the Franklin Vista development in Anthony, NM. Units already in service at Franklin Vista are targeted specifically for farm worker housing. The current phase 7, now underway, would create an additional 24 units of farm worker housing.

Ms. CANTWELL. I also would like to thank the chairman. In my home State of Washington, the IRS action has threatened a number of innovative housing developments, involving housing for pregnant women, housing for disabled military veterans, and housing for artists that are being used as part of a larger redevelopment strategy to rebuild neighborhoods. The IRS action has been particularly problematic for State efforts to deal with the critical need increase the supply of safe, decent, and affordable housing for migrant and seasonal farm workers. About 10 years ago, Washington established a Farm Worker Housing Program that has led to the creation and preservation of over 1,065 units of permanent housing for farm workers. The IRS's recent position has not only threatened future development of such housing but could potentially result in the recapture of low-income housing tax credits for such units currently in existence, potentially bringing financial ruin to the nonprofit housing providers which have developed and operate this housing.

The language in the bill that this body passed on July 26 on general public use reflects Congress's comfort with the historical application of the general public use requirement prior to the IRS's recent activities, and Congress's intent to remove the uncertainty and risk that the IRS's recent activities have created for the section 42 program.

Mr. BINGAMAN. My understanding, Mr. Chairman, is that the general public use provision in that bill, as passed, clarifies that housing does not fail to meet the general public use requirement solely because occupancy restrictions or preferences that favor tenants with (1) special needs; (2) who are members of a specified group under a Federal program or a State program or policy that supports housing for such a specified group, or (3) who are involved in artistic or literary activities. Is that understanding correct?

Mr. BAUCUS. Yes, the Senator is correct. And for this purpose a special need may relate to the physical facilities of the property, such as a building that offers day care, the services that are to be provided, or the circumstances of the tenants, such as low-income parents attending college.. The basic structure of the low-income housing tax credit is based on the premise that the States have the prime responsibility to administer this program, and they have done an excellent job so far. They currently have the responsibility to determine the housing priorities of the State and to give priority to tenant populations with special housing needs. The newly codified general public use rule reinforces the latitude of the States to decide how housing credit dollars are allocated.

Ms. CANTWELL. I thank the chairman for that response and for his work, along with that of the ranking member, on this important issue that would permit housing credit properties to continue to serve special populations provided that the properties satisfy the nondiscriminatory tenant selection criteria and other requirements of the Low-Income Housing Tax Credit Program. I also thank the Senator from New Mexico, Mr. BINGAMAN, for his tireless leadership on this issue.

ACCESS ACT

Mr. BROWNBACK. Mr. President, I rise to speak about S. 3046 and H.R. 6270, the Access, Compassion, Care, and Ethics for Seriously Ill Patients Act or ACCESS Act. The intent of this bipartisan, bicameral legislation is to expand access to investigational treatment options for patients with serious or life-threatening diseases.

A provision of the ACCESS Act provides for three requirements for a patient to become eligible for access to investigational treatments that have completed at least phase one of the clinical trials process, labeled as compassionate investigational access, CIA. The second of the three requirements provides that a physician document in writing that a seriously ill patient has exhausted all treatment options approved by the Secretary for the condition or disease for which the patient is a reasonable candidate. For this particular provision, the intent of the congressional sponsors of the ACCESS Act is that a patient has examined, not necessarily tried, all Food and Drug Administration-approved treatment options for which the patient is a reasonable candidate.

Accordingly, it is not the intent of the congressional sponsors of the ACCESS Act that a seriously ill patient has tried every combination of treatments for which the patient is eligible before the patient is granted compassionate investigational access or expanded access to the investigational treatment. Moreover, it is not the intent of Congress that the seriously ill patient has exhausted every treatment option for which the patient is a reasonable candidate where a treatment option is known to have severe negative side effects.

The ACCESS Act will ensure that a patient with a serious or life-threatening disease has access to the largest scope of treatment options available to the patient and their doctor. I encourage my colleagues to join me in cosponsoring this important piece of legislation.

LAKOTA CODE TALKERS

Mr. JOHNSON. Mr. President, during World War II, Lakota, Dakota, and Nakota soldiers from across the Great Plains served this country with honor and distinction as Code Talkers. These men sent messages in code, derived from their native languages, that the enemy was never able to decipher. They saved the lives of countless Americans, were responsible for major military victories, and provided an invaluable service to the United States, but they were sworn to secrecy about their operations in order to protect the code. As a result, their important contributions were not immediately recognized.

Only one of these heroes, Clarence Wolf Guts, survives today. Mr. Wolf Guts spoke Lakota at home, but—like many other Native youth—he was punished for doing so at school. Despite this, he enlisted in the Army at age 18 and served a 3-year tour in the Pacific. Mr. Wolf Guts and his fellow Code Talkers are an example of the proud service record of Native Americans, who make up a higher percentage of service men and women in the Armed Forces than any other ethnic group in America. They have served with honor in all of America's wars beginning with the Revolutionary War on through our current operations in Iraq.

In 2001, the Navajo Code Talkers were awarded Congressional Gold Medals for their service. In appreciation of the service of Mr. Wolf Guts, his comrades, and all Native American Code Talkers, I have cosponsored S. 2681, the Code Talkers Recognition Act of 2008. This legislation would ensure that all Native American Code Talkers which hail from at least 17 different tribes are all recognized and honored for their service.

In recognition of their service, the Rosebud Sioux Tribe and South Dakota State University plan to construct the Code Talkers Memorial Park in Mission, SD. Meant to inspire hope in the community, this park will feature a Memorial Grove of trees found on the home reservation of each soldier and will provide recreation and wellness opportunities as a part of the tribe's ongoing fight against youth suicide.

I want to honor and recognize these men for their service and sacrifice for this country.

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. BARRASSO. Mr. President, I wish to speak on S. Res. 482, a resolution designating July 26, 2008, as ''National Day of the American Cowboy.''

The cowboy is the icon of Wyoming, representing our history and way of life. Wyoming's cowboy spirit and western values embodies all aspects of our lives. Independence, courage, family values, and good stewardship of the land are all virtues that every Wyomingite holds dear. The people of Wyoming are proud of our cowboys and cowgirls. They carry on our strong traditions and western values.

The National Day of the American Cowboy also holds a special place in Wyoming's heart as we remember our dear friend, Senator Craig Thomas. As many know, this day of recognition initially came about through the efforts of Senator Thomas.

Senator Thomas was a genuine cowboy. He led by example instead of seeking the spotlight. He was a dedicated public servant, a powerful leader, and a straight shooter. He was a loyal family man. He was a beloved role model. All who knew Senator Thomas will remember the humble cowboy who was unwavering in his dedication to God, Wyoming, and his country.

Senator MIKE ENZI and I have continued this effort to honor our American cowboys and cowgirls across the country. I am pleased that the Senate agreed to the resolution. I look forward to celebrating this special day with Wyoming.

FBI'S 100-YEAR ANNIVERSARY

Mr. GRASSLEY. Mr. President, the FBI turned 100 years old on June 26, 2008, and so I want to offer some remarks to mark the occasion. This anniversary is the perfect opportunity to look at the FBI's accomplishments and failures over the past 100 years and its challenges for the future.

During the presidency of Theodore Roosevelt, seven U.S. Secret Service operatives moved to the new Department of Justice Bureau of Investigation to start a new mission. Thus, the FBI was born. The FBI has had countless successes in its first centennial. In particular, the Bureau developed a talented corps of professional agents and staff who pioneered new investigative tools that set most of the standards of modern law enforcement.

The FBI had early successes with the arrests of Al Capone and Gangster ''Machine Gun'' Kelly in the 1930s. Bonnie and Clyde were also permanently put out of business thanks to some local cops and the FBI. The Bureau later went after the Ku Klux Klan in the 1940s and 1950s. It targeted the New York mafia in the 1980s and 1990s, which led to the decline of the Gambino crime family and its infamous leader, John Gotti.

However, the FBI also has had its share of failures. From its own civil rights abuses in unauthorized wiretapping of civil rights leaders, to the tragedies at Ruby Ridge and Waco, to the internal betrayal by special agent Robert Hansen, there have been many dark days in the history of the Bureau. Still, I am confident that if the FBI is willing to honestly examine its own shortcomings, it can learn the lessons necessary to improve and become more effective at keeping Americans safe and free.

I celebrate with all FBI employees, active and retired, whose difficult and courageous work keeps the rest of us secure.

I also recognize and honor agents who have paid the ultimate price to protect our country from all enemies, foreign and domestic. These heroes deserve praise for their hard work and sacrifice.

The protection of the United States is the FBI's main mission. The FBI is tasked to keep us safe from terrorist attacks, foreign spies, public corruption, infringements on civil rights, organized crime, and major white-collar and violent crime. To serve its mission, the Bureau maintains a worldwide presence in over 400 cities in the United States and 60 countries worldwide.

Since the terrorist attacks on September 11, 2001, the FBI has focused its efforts on antiterrorism. Its intelligence and diligence have protected our Nation from countless threats to our safety. FBI employees have stepped up in these treacherous times, and we count on them every day. They put their lives on the line for our freedom.

We know they are fulfilling their mission when nothing happens to harm us, when we have another day, week, and year free from a terrorist attack and violent crime.

Like any anniversary, this is a good opportunity for us to look at the FBI's failures so it can learn and grow from its mistakes. For years, I have been a watchdog of the FBI's propensity to retaliate against whistleblowers, the Bureau's unwillingness to cooperate with other agencies, and its inability to update its technology system. I hope on its 100-year anniversary, the FBI will turn a new leaf and correct these problems to create a better, safer century ahead.

Parts of the FBI's internal culture hamper its ability to effectively identify and neutralize threats to national safety. For instance, the Bureau has what I have called a ''Pac-Man'' mentality, because it tries to gobble up whatever it can of other agencies' jurisdiction, evidence, and cases. At times, it has acted like a lunch-stealing bully on the playground.

Our safety would be much better preserved if the FBI would play nice and share jurisdiction and resources with the other agencies. The FBI should concentrate on its primary mission—fighting terrorism—and let other agencies take the lead on investigations in which they have specialized expertise. For example, often, drug and bombing cases should be handled by the Drug Enforcement Administration, DEA, and the Bureau of Alcohol, Tobacco, and Firearms, ATF, respectively.

This Pac-Man mentality is evident by the way the FBI demands access to

other law enforcement groups' intelligence, informants, evidence, and resources, and yet it rarely shares its own information and resources—even after 9/11. For instance, in 2006, Houston Immigration and Customs Enforcement, ICE, agent Joe Webber testified before a House Committee that the FBI purposely delayed a wiretap request in an ICE-headed terrorism financing case, simply because it was an ICE-originated case, rather than an FBI case.

The result of this Pac-Man attitude by the FBI was a missed opportunity to hunt down the perpetrators of terrorist financing in that case.

The FBI has also engaged in jurisdiction grabbing with the ATF over bombing cases and with the DEA over drug cases. Turf wars don't help keep our streets safe, because our limited resources are wasted when programs and investigations are duplicated. Instead of concentrating its resources on anti-terrorism, the FBI has tried to take over investigations in which other agencies have jurisdiction and expertise.

Similarly, the FBI has not always cooperated with other agencies in information-sharing efforts. This reluctance to cooperate is epitomized in FBI agents' turf wars with ATF agents. The Washington Post reported that FBI agents sold counterfeit cigarettes to ATF agents because the two agencies were running twin tobacco smuggling stings.

At crime scenes, the Washington Post reported, agents from each agency threatened to arrest each other over jurisdiction and evidence squabbles. The agencies acted like two dogs fighting over one bone. The problem is that there are plenty of bones out there, and the agencies can each get more if they work together.

Another problem area exists in deciding which agency should investigate domestic bombing incidents. Until recently, the FBI and ATF have been operating under a 1973 memorandum of understanding, which predated and did not anticipate the ATF's 2002 move to the Justice Department from the Treasury. This old agreement failed to take into account the post-9/11 emphasis on searching for terrorism links in bombing cases. With a 35-year-old agreement, it doesn't surprise me that there was so much confusion and squabbling between the two agencies.

I have recently learned that the Attorney General issued a new MOU that will now be the controlling authority between the ATF and FBI in bombing cases.

I am curious to see this new MOU and sincerely hope the FBI and ATF have come up with a better way to resolve disputes regarding which agency takes the lead on domestic bombing cases.

Unfortunately, there is reason to be skeptical that this new MOU will have an impact. A 2004 memo from former Attorney General Ashcroft directed the FBI and ATF to combine their bomb databases under the ATF's direction, because of the ATF's expertise in bombing cases. However, 4 years after the Attorney General issued that directive, the FBI still has not transferred its bomb database to ATF's management.

Without the ATF's and FBI's cooperation in this area, agents are more likely to be missing key information. I don't blame the agents on the street for this problem. The problem is the direct result of jurisdictional greed and indecision by top bureaucrats at FBI Headquarters. It is imperative that the two agencies work together so that they can keep the country safe.

Notwithstanding these issues, there have been instances of effective cooperation. In 2007, the ATF and FBI cooperated with other law enforcement agencies, and their efforts resulted in the largest prosecution of environmental extremists in U.S. history. Ten ecoterrorists were convicted for politically motivated arson that caused $40 million in damage. We need to see more of these types of successes, and if the FBI and other agencies can replicate this kind of cooperation in the next 100 years, Federal law enforcement will end up better fighting criminals and terrorists together, rather than fighting against each other.

I have also done oversight of the culture within the FBI which encourages retaliation against whistleblowers. There have been too many cases of continued retaliation against FBI whistleblowers. Any FBI employee who has the courage to come forward to expose corruption or wasted resources in the FBI should be applauded, rather than punished. Not only are these courageous individuals safeguarding our tax dollars, they are also diverting resources from waste to use in the fight against terrorism and crime.

Whistleblowers can spur the FBI to correct its problems. For instance, FBI agent Coleen Rowley went public with insights about the FBI's conduct in the weeks leading up to the 9/11 terrorist attacks. Rowley wrote a letter to FBI Director Robert Mueller in May 2002, outlining how her Minneapolis field office pushed to search Zacharias Moussaoui's home and laptop following French intelligence reports on his connections and activities. But FBI headquarters downplayed the need to get a FISA wiretap and search his home and computer and ultimately denied the Minneapolis field office's request. This was after the FBI got reports that Moussaoui tried to take flight lessons and a Phoenix field agent reported suspicions about Middle Eastern men enrolled in flight school.

After the attacks, Rowley wrote her concerns in a letter to Director Mueller about how FBI headquarters ''downplayed, glossed over, and/or mischaracterized'' their investigation of Moussaoui. We don't know what could have been prevented if the Minneapolis office had been able to pursue Moussaoui when it had the chance.

What we know is that whistleblowers play an important role in improving our agencies. On its 100-year anniversary, the FBI should recognize that it needs to listen to those courageous agents who alert them to a problem, rather than retaliate against the messenger.

There continue to be high-profile cases involving discrimination against FBI whistleblowers. For instance, just over a month ago, FBI agent Bassem Youseff came forward and testified before Congress about staffing deficiencies in the counterterrorism program of the FBI. Without his testimony, Congress would not have known that the FBI is having trouble filling those critical positions. Yet, just 2 days after testifying, agent Youseff was accused of violating FBI regulations. The FBI dropped its allegations, but I am not willing to drop the subject. I sent a letter, along with House Judiciary Committee and subcommittee chairmen, demanding the FBI turn over its records to determine what happened. The FBI has not responded. The FBI should have a system that encourages concerned agents to come forward and identify problems that can then be solved, rather than swept under the rug. It should not use whistleblowers as ''canaries in coal mines,'' to be sacrificed as soon as they alert us to a problem.

Another problem the FBI must correct is the different standard of punishments it sets for agents versus their supervisors. While a supervisor may get a slap on the wrist for misconduct, an agent may be heavily reprimanded. For example, agent Cecilia Woods reported that her supervisor engaged in illicit sexual activities with a paid informant. Her courage and honesty in reporting this improper activity were rewarded with two investigations into her own conduct, suspensions, and a transfer.

Meanwhile, senior level FBI agents are treated differently for their misconduct. For instance, acting special agent in charge in Baltimore, Jennifer Smith-Love, was investigated, along with two agents acting under her direction, for conducting an unauthorized search of another agent's computer.

However, Smith-Love's investigation was classified as a performance issue, rather than a misconduct issue. While the investigation was still ongoing, she got a promotion. The disparate treatment of agent Cecelia Woods and special agent in charge Jennifer Smith-Love illustrates how the FBI reprimands its agents much more harshly than it reprimands supervisors.

This unequal treatment of agents and senior management is unfair and creates an appearance of double standards at the agency. Double standards in discipline devastate morale among the dedicated, hardworking FBI agents who are just trying to do their job. The FBI should set more uniform guidelines for punishments for both agents and supervisors.

Another area the FBI needs to improve is its implementation of information technology upgrades. For years, the FBI has been charged with the task of bringing its computer systems up to date. However, despite spurts of progress, this effort has been hobbled by embarrassment and setback.

The FBI had to scrap a $170 million case management system called Virtual Case File in 2005. The Virtual Case File system was scrapped because it failed before it ever got rolling. VCF was poorly designed and poorly managed, and to make matters worse, the FBI placed little internal controls on the oversight of the project. To date, the FBI still has not completed a new version of the system, now known as Sentinel. Information technology needs to be a top priority for the FBI if it wants to effectively hunt down and disrupt terrorist cells around the globe. The situation could not be more urgent, and the FBI needs to step up and get the job done, on time and on budget.

It is also important to note that the FBI's budget has tripled since 1999. Last year, Congress appropriated almost $7 billion dollars to the Bureau. We should not tolerate the FBI's continued mismanagement of public funds on programs that don't work. The American taxpayers can not afford another Virtual Case File.

Technological advances are important tools to keep up with dangerous terrorists and criminals. As terrorists and criminals use more advanced technology to evade detection, the FBI needs to stay ahead of them with new technologies to fight them without delays or setbacks. Americans are counting on a system that works to help prevent the next terrorist attack.

Congress plays an important oversight role over the FBI and other agencies. I take this role very seriously, as it is crucial to our system of checks and balances. At this 100-year juncture, I encourage the FBI to step up to the plate to make positive changes in its agency.

Congress also has a role to play in the future of the FBI. In the 107th and 108th Congresses, legislation was introduced to reform the FBI to protect whistleblowers and provide true accountability. Unfortunately, these reforms were never fully enacted into law. We should revisit these efforts to help the Bureau be the best it can be.

I also believe that Congress needs to continue to examine the FBI's counterterrorism mission and look at the calls some have made to split the FBI's law enforcement and domestic intelligence functions along the lines of the British MI–5. Now some may see my statement as a call to dismantle the FBI, that is not what I am saying. What I do believe is that our constitutional duty to conduct oversight includes a soup-to-nuts review of our law enforcement policies, including whether or not those at the FBI are achieving their primary mission. I think there is merit to arguments on both sides and believe we should spend some of our time looking into this. To summarize, I thank FBI employees, past and present, for their collective past 100 years of service. I also challenge the FBI's management to grab ahold of the reins to build a stronger, more accountable, transparent, and effective FBI. I challenge the FBI's leadership to recognize and correct the problems it currently has so the Bureau can be the top notch law enforcement agency it can be.

Now is an ideal time for the agency to look back on what it has done right and wrong and work to do a lot better in the future.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent that today's letters be printed in the RECORD.

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

I strongly urge you to fully and aggressively support legislation that extends the tax credits for renewable energy sources. This legislation has been defeated in Congress 3 times in the past year! This is unimaginable and pathetically short-sighted. Solar and wind power generation and the like generates hundreds of thousands of jobs and it is critical that companies expanding these industries be supported in their early stages.

BRIANT.

Thank you for asking! I am disabled and living on Social Security ($784 per month). It is not a lot, but I had managed to live within my means for a short while and still have some kind of interaction with my church and family.

I will start my story from the time I became disabled and had to leave my employment with the Environmental Protection Agency in June of 1995. I became a full-time camper with my mother. We started out in her 19-foot class C camper and after my disability claim was approved 3 years later we moved ''up'' to a 29-foot fifth-wheel and a very used truck to tow it with. We took care of each other. We spent several summers hosting at Idaho State Parks for a free campsite (no salary) and one winter in Washington at Fort Canby. Most of our winters were spent in southern Texas at a large RV park where it was warm, the rent was reasonable and activities to keep us socially and mentally engaged were plentiful. We made many friends on the road. There are/were many people living life as we were as it was all we/they could afford. Hanging out in the desert, bathing in an irrigation ditch, hauling our drinking water and driving 10 miles to ''dump'' our tank was fun at first. It was a life we could afford as long as the gas prices stayed down. We did not take many ''side-trips.'' I do not know what the folks ''on the road'' will do now.

Finally, in 2001, I decided I wanted to have a real home again. A place to plant roots, real ones . . . roses and a vegetable garden as well as have a church family; someplace where I did not have to keep moving every few weeks or months; a real community that stayed put. In November of 2001 while visiting my sister in Spokane, I found a small ''handy-man's nightmare'' in Smelterville, Idaho that I could just afford if I sold the RV and truck. Mom was agreeable. The realtor said ''you really do not want that house!'' I said ''yes, I do!'' It had everything I wanted: a place to sit out front and greet the neighbors, an area for a garden and a clothesline to hang my laundry on; simple things.

Our whole world was falling apart at the time of the purchase as it was the week of September 11, 2001. In the silence of no aircraft flying overhead that week we prayed that our country would make it through this difficult and frightening time. We signed the papers, opened the windows and let the house air out for the winter. Mom and I headed south for our final warm, southern winter. I will never forget the sight of the huge American flags flying from the many rigs heading south. Do you know that most of the people living the ''gypsy'' life are very patriotic? Almost all of the men, and many of the women (myself included) are Veterans. I am reminded of the scene in the movie Independence Day where the RV's were all headed across the desert to Area 51.

We returned to Idaho in March to two feet of snow on the ground and no heat source in the house. We hired two guys (for $20) who were waiting for the tavern to open to unload the U-haul before the next blizzard caught up with us. It had been chasing us since Denver. We had no furniture, just Rubbermaid tubs of dishes, pots and pans, clothes and craft stuff. (I slept on an air mattress on these tubs for the first year.) We stayed with my sister in Spokane while the weather settled. Fortunately the sun came out the next week so we sat out in the yard at a broken down picnic table in the sun a lot until it warmed up. We shoveled the debris (old carpeting and broken floor tiles) out of the house and a neighbor was kind enough to haul it to the dump. It was a year before we could walk on the floors barefoot. It took me that long with a small belt sander to redo them.

Over the next five years, I patched, painted, re-wired, constructed cabinets, closets and shelves, plumbed and eventually with the help of a USDA loan at 1 percent was able to have a foundation put under the house. I turned the ground in the backyard by hand with a shovel and planted my vegetable garden. I planted flowers. My cousin came up from California with her two foster children and helped me put in a gas fireplace that she had found in an abandoned mobile home, and an old picket fence. We tore out the sidewalk leading to the house and replaced it with stepping stones and an arch with pink roses. I hung my laundry out to dry on my beautiful clothesline. We celebrated my mother's 80th birthday in the backyard in the rain under a tarp. The next day my cousin and I started a real patio cover so we would not get so wet during the next celebration. None of this was fast or easy. I am disabled, remember? I sat in the sun and thanked God for His many blessings.

Last November, as I installed the new kitchen counter and sink and the house was finally almost perfect, as I celebrated my 64th birthday, I sold my home because I was unable to keep up with the utilities. My mortgage was low (only 4.75 percent), and I had a USDA grant which enabled me to have a new gas furnace. Unfortunately the town is in the process of replacing the sewer system, the water district is upgrading their system and the electricity and gas just keep going up and up and up. I was paying more for utilities than I was for my mortgage and USDA loan. I attended a financial seminar provided by my church to find out how I could make ends meet. What was I not doing that would make the difference of financial stability? I tried finding part-time work but no one would hire me for the few hours I could work without compromising my health. My skills were outdated. I could not obtain approval for school on the Internet. I could only go to school to learn something if I would not be self-employed and the school was so far away. The hours spent would be on their terms, not when my body could work, and would again compromise my health. Selling was my only way out of debt, or I could continue as I was and continue to ''charge'' all my groceries, medicine, gas, etc., and keep the bills paid . . . for a while.

The price of gasoline was not too much of a problem as I lived 2 blocks from church, 1 block from the post office and Walmart had just moved into town! I could still walk to most places I needed to go.

Now, gasoline is a problem. The only low-income apartment I could find was in Wallace, Idaho, 15 miles from where I had been. [It does not] seem very far, does it? But if everything you do is that far away, there is no public transportation, and the price of gasoline is $4.00+, it is far indeed. I do much of my shopping via the Internet as the drive to the nearest town where fabric, books, electronics, etc. are sold is 50 miles each way. My daughter paid for my Internet service so I would not be so out of touch with the world.

I was already committed to directing my granddaughter's school Christmas and Spring musical plays. That meant a trip to Kellogg every day. While I still had some money left from the sale of my home I could absorb this cost. Now the money is gone and I haven't seen my family in 2 weeks. I try to combine my trips to church with shopping for groceries at Walmart. I do not attend many of the functions at church anymore. I used to be at the church almost every day. I may have to stop going to that church completely and go to one here in Wallace. That sounds reasonable, but the church in Smelterville is ALIVE! The churches here are not.

I miss my little four room house in Smelterville with its big south-facing windows, playing in the dirt in the yard, the scent of the flowers, the garage with my wood-working tools and the clothesline. My apartment here is clean, maintained, sufficient but dark. It is on the north side of a square red brick building. There is no room for my saws, my bicycle or my kayak. It is too dark even for container plants. The trunk of my car is my storage room. It is like living in a cave, and the building reminds me of a prison. I must have the lights on all the time, but the heat doesn't cost as much as my home did and I do not have to pay for sewer, water and garbage. Now with the price of gas I also miss my family, my church and my friends. I am trying to start a new life here. I really am. But starting all over again this time is harder than all the physical work I did on my home.

Yes, we need alternative sources of energy. I have always known that. We need to build smarter. I have always known that. We need community transportation especially in rural areas. If it is at all possible, make some of these alternative sources of energy available to the poorer elders of this country. Do not make them leave their homes because the infrastructure in this country is falling apart. Do not allow any new homes to be built without solar or wind power. The Swedes do not let you build without a composting toilet! I learned a lot living in an RV over the years. I have read many books on alternative housing. I would have built one but it would have cost me much more than my ''tear-it-down!'' house that no one wanted did. We do not have to keep building the way we are. So wasteful. Now I'm running off on a tangent and this letter is too long already!

Thank you for listening to this elder travel down a few old trails. I appreciate it.

I would be happy to talk with you or your representatives if you have any questions.

MERILYN, *Wallace.*

I provide sliding fee scale mental health services for those who do not qualify for assistance or have insurance that covers their services. If my wife did not have a second income as a teacher (24 years) I could not afford this ministry. I live and travel central Idaho (Valley, Adams, and Idaho counties) as do my patients. Rising energy is problematic both in fossil fuels and electricity for us all. Most of us are independent by nature, but this ongoing crisis will continue to put many of us on assistance lists we wish to avoid. It is also affecting the delivery of basic subsistence services for our schools, hospitals, and public services.

MICHAEL.

The suggestion to drill in ANWAR and off the coasts is mere rhetoric when you imply it will reduce the rising costs of gasoline at the pump today. From all the information I have found, it would take 10 years to get that oil into production, and then it would supply a mere 6 months of the U.S. needs at our current rate of consumption. Probably less than we would be demanding in 10 years, [I] think? Do you have information that contradicts this? I would be happy to hear it.

The multinational oil companies who would be doing the drilling would be selling the oil on the open world market, and we as a country would have no more chance to benefit from this than we now do from the ''foreign'' oil you discourage. They make a profit wherever they drill, they do not save it just for us. We already sell most of our power-producing coal to China today. How many [in] the Congress know that?

We cannot drill our way out of this mess.

You should first close the investment loopholes that have encouraged the new ''bubble'' of speculation in crude oil (after running away from the housing bubble). It would be great if you could also close other potential ''bubble'' opportunities, like food, and who knows what the investment nuts will think of next? Speculation is well on the way to ruining our economy.

You should next enact serious legislation to encourage conservation, and invest in an expansion of proven alternative energy sources such as solar and wind power.

You should NOT encourage investment in nuclear power. That, also, will take 20 years to come online, therefore having no effect on our current needs. So far as I can see we have never found a way to dispose safely of the waste. To encourage nuclear building will be a very expensive subsidy for the nuclear industry, but creating even more unpleasant problems for future generations.

You should encourage investment, with tax incentives, for technological research and development of truly new energy possibilities. I have no idea what these might turn out to be, but Americans are supposed to be inventive. Let's encourage that old spirit again.

If you really want to reduce reliance on fossil fuels, you should pass some kind of subsidy for low income people to buy hybrid or electric cars. (I know, I know . . . sounds like a handout). But it would be the most effective use of tax dollars in a direct way to substantially reduce reliance on oil. Eliminating the subsidy for the oil companies, and spending it on fuel efficient cars right now, would be more logical. (Just think of it as a gift to the struggling automotive industry; if you really want to be patriotic limit the payment to American made cars, if you can find any of those left.)

I live out in the country, and I am only one of many here in the rural west who have to have my car to get to town for work, groceries, doctor appointments, etc. We have no public transportation available. At current prices, one trip to town costs me $8.50. Of course I try to limit the number of trips, because I am retired. Ridiculous ideas like a gas tax moratorium are a waste of everyone's time. So are the drumbeats of drilling for more oil in inadequately supplied places which could not possibly or timely relieve the crunch we are in now. If we had a decent oil pool anywhere in the U.S. I could see drilling, but these possibilities you list are inadequate. We need to get away from oil as much as possible, and we need to do it fast. I have lived most of my life in an oil abundant economy, taking it for granted. But I can see the road ahead and it's not pretty.

I am guessing my letter will go in the waste pile reserved for those who disagree with you. It would be interesting to hear your thoughts on my suggestions. It is time for real head scratching, thinking, and cooperation, not politics as usual.

JILL, *Orofino.*

Senator Crapo—with pleasure. As a retired engineer, professor, vet, et al.—your priorities are close—certainly emphasize nuclear—but our legislators should stop playing their petty political games and allow/seek oil production and refining capabilities! Drill in the north slope/preserve of Alaska—NOW! Allow the oil companies to build more refineries—NOW! Most frankly—the political and environmental games have REALLY CAUSED our energy problems!

W.C. *Idaho Falls.*

We appreciate the offer to allow us to address this concern. Vern and I are on fixed incomes and are working part time jobs to help make the ends meet. Social Security brings a large chunk of the income into our home but it is quickly swallowed up with medical insurance to cover any problems that we might have. With both of us being in the 70s now it is harder to find work opportunities. We both come from large families and so we were unable to go to college for a degree. Both our fathers were blue collar workers who only went through grade school years. This was the norm for their growing up years.

With cost of insurances for medical, home and vehicle, we are paying out over $650.00 a month. That is for the least amount we can afford. Social Security gives us a small increase in January and then takes it away with the premiums to cover our Medicare insurance. This is over and above the amount listed above.

My husband worked for Frontier Airlines for 26 years and we had put aside what we thought was an adequate amount to help us with the addition of the remaining work years added and without child costs. We also

had approximately $78,000 in shares in the company through People Express. When my husband was 50 years old, Mr Frank Lorenzo did his usual number on the airline industry and placed Frontier into bankruptcy. Our shares disappeared, our pension was pretty much stolen to put in his pocket and we were left with no real future. We tried for 2 years to survive and save our house in Boise to no avail.

Now enter the price increases to drive our vehicles, heat our homes, and feed ourselves. The environmentalist have 'done a number' on their fellow countrymen by shutting down the ability to use our own reserves to help the country out. We are more fortunate than a lot of our fellow men but we still are struggling to make ends meet and see the need to cut back even more to survive.

Our oldest granddaughter is getting married in August in San Diego. We had plans to go down there for that. That will probably not happen unless we go further into debt to purchase either fuel for our vehicle or an airline ticket which will also need fuel to get to Salt Lake City and back. We are greatly disturbed by the rich, lining their pockets at the expense of those who thought that we could retire and survive. Heaven help those who still have families to provide for.

Let us open up our rich reserves, put the U.S. back into being a country that provides for its countrymen, with work in the oil fields, and a God-fearing, loving-your-fellowman country. Greed, pride, and selfish people are dictating what we do in the Senate, the House, and those who pander to those who call the shots by 'buying' them off to take care of themselves.

VERN & MARTHA.

RECOGNIZING DEL TINSLEY

Mr. BARRASSO. Mr. President, it gives me great pleasure to recognize the accomplishments of Del Tinsley; the 2008 inductee into the Wyoming Agricultural Hall of Fame.

Del's fascination with agriculture began as a small boy. He spent his summers helping ranchers in the community of Guernsey, WY. As the director of the Wyoming Office of USDA Rural Development, Del's enthusiasm for agriculture has become a lifelong career dedicated to Wyoming's farmers and ranchers.

Del's boyhood summers on the ranch soon developed into a successful tenure selling advertising for the Wyoming Stockman-Farmer. In 1990, Del went to work building the newly established Wyoming Livestock Roundup from a little known publication to the must-have newspaper for every major implement dealer and livestock auction in the State.

As director of the Rural Development office of the USDA, Del has successfully encouraged renewable energy development and business diversification within Wyoming's agricultural industry.

Over the years, Del has been a voice of wisdom for Wyoming's farming and ranching communities.

I am pleased to honor Mr. Del Tinsley on the Senate floor today. Del is a true steward of the land. Del continues to uphold the Wyoming heritage of farming and ranching.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO ST. LOUIS ROADIES SOCCER TEAM

● Mr. BOND. Mr. President, today I congratulate the St. Louis Roadies soccer team on their recent participation in the Homeless USA Soccer Cup. The Roadies were the first team ever from St. Louis to participate in this special event, which was held last month here in Washington, DC. I had the privilege and honor to meet personally the entire team and their coaches from Peter and Paul Community Services in my office here on Capitol Hill before their competition. While the team did not capture the title, I am proud of their performance and representation of the St. Louis community and my home State of Missouri. However, I am even prouder of their personal perseverance and commitment to self-improvement after experiencing the terrible plight of homelessness.

According to the organizers of the Homeless World Cup, about 77 percent of participants in the 48-team tournament go on to better their lives through employment, housing, education and/or drug and alcohol treatment. The founders of the event believe that it provides an opportunity for these men to express actively themselves through organized competition to build character and positive individuality. Based on their performance, I agree.

The six-man team from St. Louis was made up of men who were recently homeless. Unfortunately, many others suffer from the plight of homelessness. It is frankly a national tragedy that we can and must end. Nevertheless, the spirit of the Roadies and others who participated in the Homeless Soccer USA Cup gives us significant hope that we can end homelessness.

All six men and their coaches deserve high praise. I personally congratulate the six players, Oscar Grandberry, Daniel Blue, Doug Carter, Labon Smith, Marcus Davis, and Vince Steiniger; and the coaches, assistant coach Dena Emmanuelle, coach David Flomo, and coach Keith Deisner.

Let me highlight one of the players named Oscar Grandberry who played goalie for the Roadies. His play earned him a spot on the U.S. national homeless team as an alternate. He is an amazing story of determination. Oscar is a native Liberian and former child soldier who is now on his way to completing a second master's degree from St. Louis University. Oscar and Team USA will travel to Melbourne, Australia, later this year to compete in the sixth annual Homeless World Cup and I wish them my best.

The Roadies placed third in the beginners' bracket of the USA Cup and earned the Cup's Fair Play Award. This award is annually granted to the team ''showing the best in human spirit and embodying what the tournament is all about.'' As an addition to the already exceptional sporting culture of St. Louis and the State of Missouri, the Roadies are an inspiration to, and an excellent representation of, the great people of St. Louis.●

100TH ANNIVERSARY OF THE CITY OF ALBANY

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the 100th anniversary of the city of Albany, located in Alameda County, CA.

The city of Albany, formerly known as Ocean View, was incorporated as Ocean View in September 1908. In 1909, voters changed the name of the city to Albany in honor of the birthplace of the city's first mayor, Frank Roberts. This year, we celebrate its centennial anniversary. Well-recognized for its prominent landmark, Albany Hill, the city of Albany has charmed residents and visitors alike for decades.

Situated on the eastern shore of the San Francisco Bay in northern Alameda County, Albany's waterfront has undergone significant changes over the last 100 years. From the renovation of the Albany Bulb to the city's involvement in Eastshore State Park, the city of Albany has taken dramatic steps to promote a greener, more sustainable city. These efforts were rewarded in 2008 when Albany was named one of California's greenest cities.

Solano Avenue, the principal shopping street in Albany, traverses the city from east to west, while San Pablo Avenue, its other major commercial street, runs north to south. These two streets account for the majority of commerce in the city. Solano Avenue is also host to the annual Solano Stroll, which is held on the second Sunday of every September. This event began in 1974 and has since been designated by the Library of Congress as a National Local Legacy. Another local landmark to be found in Albany is Golden Gate Fields, the only horse racing track in the San Francisco Bay Area.

I congratulate the city of Albany on this special occasion of its 100th birthday and salute its wonderful community spirit.●

CITY OF KINGSBURG'S 100TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 100th anniversary of the city of Kingsburg, a family-oriented community located in California's San Joaquin Valley.

The story about the city of Kingsburg, like many other communities throughout the San Joaquin Valley, can be traced to its fertile soils, Mediterranean climate, and industrious population. In the early 1870s, the lure of a better and more stable life prompted two Swedish natives to settle in a Central Pacific Railroad town called Kings River Switch. In 1874, the site for the present-day town site was

drawn up and the name was changed to Kingsbury. Two years later, the name was changed to Kingsburgh to reflect the Swedish heritage of many of the town's residents. In 1894, the city's name took on its current spelling, Kingsburg. On May 19, 1908, the city of Kingsburg officially became an incorporated city in Fresno County.

The city of Kingsburg has grown from a sleepy railroad town, at its founding, to a vibrant community of nearly 10,000 that rests in the middle of one of the most dynamic regions of California. Kingsburg is where Olympic legend Rafer Johnson and his brother, Pro Football Hall of Famer, Jimmy Johnson, spent their formative years and honed their athletic skills. Today the city of Kingsburg proudly embraces it Swedish heritage and its status as the ''Swedish Village.'' The city's landscape features distinctive Swedish architecture and brightly painted Dala horses, traditional wooden statuettes of horses and a national symbol of Sweden.

If its first century is any indication, it is clear that the city of Kingsburg will continue to grow and reach new heights in the years to come. The story of the city's first one hundred years is a testament to the value of community. As the residents of Kingsburg gather to celebrate this auspicious occasion, I congratulate them on their centennial anniversary and wish them continued good fortune and success.●

100TH ANNIVERSARY OF THE UNIVERSITY OF CALIFORNIA, DAVIS

● Mrs. BOXER. Mr. President, I am pleased to recognize the 100th anniversary of the University of California, Davis.

U.C. Davis began as a public landgrant university in 1905 when California Governor George Pardee signed into law an act establishing a university farm school for the University of California. One year after the act was signed, the small town of Davisville, today known as Davis, was selected as the site for the University Farm. The campus was established largely due to the vision of Peter J. Shields, then-secretary of the California State Agriculture Society, who was dissatisfied by the fact California students were choosing to attend out-of-state universities due to the lack of programs offered by the University of California.

The official opening of the University Farm was in January 1909 with a student body of 18 students from the University of California, Berkeley on a 778-acre campus. The campus opened with 16 regular instructors from U.C. Berkeley's College of Agriculture and 12 nonresident instructors. In 1922, the University Farm was renamed the Northern Branch of the College of Agriculture and expanded to 3,000 acres in 1951 to support its rapidly growing student body.

In 1959, the Northern Branch of the College of Agriculture was declared by the Regents of the University of California as the seventh general campus in the University of California system. Since its inception as a U.C. campus, Davis has become one of the most renowned academic universities in the Nation. In 1996, Davis joined the prestigious Association of American Universities, which represents the top 62 research universities in North America. It has also been ranked by U.S. News and World Report as the 42nd best university in the United States and the 11th best public university in the Nation. In addition, Washington Monthly ranked U.C. Davis 8th among all U.S. universities based on its contributions to society.

U.C. Davis offers its students 100 academic majors and 86 graduate programs within its 4 colleges and 5 professional schools. It currently ranks 14th in the Nation in total research expenditures, 2nd in agricultural research, 12th in life sciences, and 13th in biological sciences. Davis' impressive faculty include 21 members of the National Academy of Sciences, 13 members of the American Academy of Arts and Sciences, 7 members of the National Academy of Engineering, 5 members of the Institute of Medicine, 3 members of the Royal Society, 2 members of the American Academy of Arts and Letters, 2 Pulitzer Prize winners, and 2 MacArthur fellows. U.C. Davis alumni account for 1 in every 276 Californians, many of whom have gone on to become leaders in their fields of expertise.

Today U.C. Davis has 30,000 students on the largest campus in the U.C. system spanning over 5,300 acres. U.C. Davis is the only U.C. campus with its own airport and one of two campuses with a nuclear laboratory and fire department. The U.C. Davis School of Medicine operates one of the Nation's finest hospitals which is regularly ranked in the top 50 by U.S. News and World Report.

As the community, students, staff and alumni gather to celebrate U.C. Davis's centennial anniversary, I would like to congratulate them and thank them for their outstanding commitment to education.●

HONORING DAN PACKER AND ANDY PALMER

● Ms. CANTWELL. Mr. President, I wish today to honor the bravery of two fallen Washington State firefighters—Dan Packer and Andrew Palmer.

They lost their lives this weekend battling the dangerous wildfires burning in northern California.

Dan Packer fought fires for decades. He was chief of East Pierce Fire and Rescue in the Bonney Lake area and a former president of the Association of Washington Fire Chiefs.

This weekend, he was supervising the firefighting efforts in California as a member of an interagency emergency management team when his position was overrun by a wildfire following an ''unexpected shift in the wind.''

Andrew Palmer, from Port Townsend, was just 18 years old and on his first day of working the northern California fire line. He tragically lost his life when he was struck by a falling tree. He has been described as ''extremely energetic'' and ''dedicated to his job.''

Both of these men clearly illustrate the courage that firefighters across this country exemplify every time they go to work . . . starting on day one.

An unknown firefighter once said, ''What you call a hero, I just call doing my job.''

So today I ask that all Washingtonians, all Californians, and all Americans pause to think about these two men, their families, and the ultimate sacrifice they made just ''doing their jobs'' to protect their Californian neighbors.

They represent the best America has to offer: courage and selfless action. Their service will not soon be forgotten.

In fact, the deaths of these two brave Washingtonians unequivocally reaffirms the need to continue to work to protect and prepare these brave Americans for the danger they face every day.

Since 1910, more than 900 wildland firefighters have lost their lives in the line of duty. And unless we take action that number will continue to grow every summer we send these brave individuals in to battle wildfires.

We must demand firefighter safety and training programs receive the funding they need.

We must track this training to ensure that every firefighter is equipped with the tools he or she needs to make it home safely every time. It is our responsibility and obligation—to Dan Packer, to Andrew Palmer, and to all firefighters across this country.●

CONGRATULATING CHERMACK MACHINE, INC.

● Mr. KOHL. Mr. President, I would like to congratulate Chermack Machine, Inc., on its 75th anniversary. Chermack Machine was founded in Cameron, WI, in 1933. It has played a significant role in the defense of our Nation with manufacture of war materials for the United States during World War II.

From humble beginnings, this business has become a full service operation specializing in assembly, welding, automated sawing, custom prototyping, production machining and conventional machining. Chermack Machine, Inc. is a wonderful example of American small business where commitment to quality products and customer satisfaction are dominant business principles.

Chermack Machine's dedication to exceeding client expectations and helping our Nation compel me to congratulate them on their 75th anniversary.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3221. An act to provide needed housing reform and for other purposes.

The enrolled bill was subsequently signed by the president pro tempore (Mr. BYRD).

At 6:59 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, in which it requests the concurrence of the Senate:

H.R. 6340. An act to designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr., Federal Building and United States Courthouse''.

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–7296. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Relaxation of the Incoming Quality Control Requirements'' (FV080981-1 IFR) received on July 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7297. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches'' (FV08-916/917-1 FIR) received on July 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7298. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California: Revisions to Requirements Regarding Off-Grade Raisins'' (FV07-989-4 FR) received on July 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7299. A communication from the Under Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John W. Bergman, United States Marine Corps Reserve, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7300. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report on the determination and findings on the authority to award a contract for the depot level maintenance and repair of surface ship combatants located in the Mayport homeport area, based on public interest exception to requirement for full and open competition; to the Committee on Armed Services.

EC–7301. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Conforming Changes- Standards of Conduct and Extraordinary Contractual Actions'' (RIN0750-AG01) received on July 28, 2008; to the Committee on Armed Services.

EC–7302. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Conforming Changes- Standards of Conduct and Extraordinary Contractual Actions'' (RIN0750-AF'99) received on July 28, 2008; to the Committee on Armed Services.

EC–7303. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Small Business Program Name Change'' (RIN0750-AG00) received on July 28, 2008; to the Committee on Armed Services.

EC–7304. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–7305. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a Mid-Session Review, containing revised estimates of receipts, outlays, budge authority, and the budget deficit or surplus for fiscal years 2008 through 2013; to the Committees on Appropriations; and the Budget.

EC–7306. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Suscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership'' (FCC 08-148) received on July 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7307. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership'' (FCC 08-89) received on July 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7308. A communication from the Deputy Division Chief, Public Saftey and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Commercial Mobile Alert System, Second Report and Order'' (FCC 08-164) received on July 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7309. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1-Methylcyclopropene; Pesticide Tolerance; Technical Correction'' (FRL No. 8372-9) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7310. 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; Montana; Revisions to the Administrative Rules of Montana-Air Quality, Incinerators'' (FRL No. 8683-5) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7311. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Gentamicin; Pesticide Tolerance for Emergency Exemptions'' (FRL No. 8370-8) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7312. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyfluthrin; Pesticide Tolerances'' (FRL No. 8370-7) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7313. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Inert Ingredients: Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment'' (FRL No. 8372-7) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7314. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraclostrobin; Pesticide Tolerance'' (FRL No. 8373-2) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7315. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District'' (FRL No. 8695-7) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7316. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Petroleum Refineries- Final Rule; Stay of Effective Date'' (FRL No. 8698-3) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7317. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Virginia: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 8698-6) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7318. 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 ''Child Support Enforcement Program Medical Support'' (RIN0970-AC22) received on July 28, 2008; to the Committee on Finance.

EC–7319. 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 ''Medicare Program; Prohibition of Midyear Benefit Enhancements for Medicare Advantage Organizations'' (RIN0938-AO54) received on July 28, 2008; to the Committee on Finance.

EC–7320. 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 ''Bonus Depreciation for the Kansas Disaster Area'' (Notice No. 2008-67) received on July 24, 2008; to the Committee on Finance.

EC–7321. A communication from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting two legislative proposal relating to the implementation of treaties concerning maritime terrorism and the maritime transportation of weapons of mass destruction; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 618. A resolution recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 344. A bill to permit the televising of Supreme Court proceedings.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1211. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

S. 1515. A bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 2041. A bill to amend the False Claims Act.

S. 2136. A bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Marie L. Yovanovitch, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Nominee: Marie L. Yovanovitch.

Post: Ambassador to Yerevan, Armenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: $50, 4/7/02, Cole for Congress; $50, 4/7/02, Herseth for Congress; $50, 4/7/02, Carnahan for Congress; $100, 3/3/01, Watson for Congress; $100, 11/11/00, Clinton for Senate; $100, 11/11/00, Coyne-McCoy for Congress; $100, 5/7/00, Gore for President; $100, 8/26/00, Gore-Lieberman Campaign.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Michel and Nadia Yovanovitch: $25, 6/2/07, Hillary for President; $25, 6/2/07, NC Democratic Party; $35, 3/11/04, Democratic Senatorial Campaign Committee; $35, 3/11/04, John Kerry for President; $25, 3/11/04, A Lot of People Supporting Tom Daschle; $25, 11/25/03, Jeffords for Vermont; $25, 11/12/03, Democratic Senatorial Campaign Committee; $25, 9/6/03, Senator Tom Daschle; $25, 9/6/02, Democratic Senatorial Campaign Committee; $25, 7/1/02, Senator Jim Jeffords; $10, 5/4/01, N.C. Dollars for Democrats; $25, 3/19/99, Gephardt in Congress Committee.

Note: My mother is traveling and does not have access to her financial records from 2005—2006. If she made any political contributions during this period, she says it would not total more than $100.00.

5. Grandparents: N/A.

6. Brothers and Spouses: Andre Yovanovitch: None.

7. Sisters and Spouses: N/A.

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*Tatiana C. Gfoeller-Volkoff, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

Nominee: Tatiana C. Gfoeller-Volkoff.

Post: Bishkek.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: No contributions.

2. Spouse: $1,000, fall/2000, George W. Bush.

3. Children and Spouses: No contributions.

4. Parents: No contributions.

5. Grandparents: No contributions.

6. Brothers and Spouses: Have no brothers.

7. Sisters and Spouses: Have no sisters.

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*W. Stuart Symington, of Missouri, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Nominee: W. Stuart Symington IV.

Post: Rwanda.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate).

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Jane W., and W. Stuart Symington.

4. Parents: Stuart Symington, Jr.: $100, 3-18-08, Skelton; $30, 1-20-08, Yale Bulldog Democrats; $1,000, 1-27-07, Clinton; $50, 7-05-07, Dem. Sen. Committee; $500, 5-07-07, Obama $100, 7-01-05, Skelton; $500, 1-05-04, Gephardt; $50, 10-04-04, W. Lacy Clay.

Janey B. Symington: None.

5. Grandparents: W. Stuart Symington: Deceased.

Evelyn Wadsworth Symington: Deceased.

Sidney M. Studt: Deceased.

Jane S. Studt: Deceased.

6. Brothers and Spouses: Sidney S. Symington: None.

Martha Wadsworth: None.

John S. Symington: $2100, 2005, Klobuchar for Minnesota; $200, 2004, Kerry.

Margaret Symington: $2000, 2005, Klobucher for Minnesota; $2000, 2006, Klobuchar; $300, 2004, Kerry; $100, 2004, Emily's list.

7. Sisters and Spouses: Anne W. Symington: Deceased.

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*Alan W. Eastham, Jr., of Arkansas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Nominee: Alan W. Eastham Jr.

Post: Brazzaville.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: Alan W. Eastham, None.

2. Spouse: Carolyn L. Eastham, None.

3. Children and Spouses: Mark A. Eastham, None; Michael S.G. Eastham, None.

4. Parents: Alan W. Eastham, Deceased; Ruth C. Eastham, Deceased.

5. Grandparents: Thomas W. Eastham, Deceased; Annie Jo Eastham, Deceased; Dewey T. Clayton, Deceased.

6. Brothers and Spouses: Thomas C. Eastham, None; Jenny Lea Eastham, None; Craig L. Eastham, None; Dawne Deane, None.

7. Sisters and Spouses: None.

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*James Christopher Swan, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

Nominee: James Christopher Swan.

Post: Djibouti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: none.

4. Parents: none.

5. Grandparents: none.

6. Brothers and Spouses: none.

7. Sisters and Spouses: none.

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*Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Nominee: Michele J. Sison.

Post: U.S. Ambassador to Lebanon.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: N/A.

3. Children and Spouses: Alexandra K. Knight: None. Jessica E. Knight: None.

4. Parents: Pastor B. Sison: None. Veronica T. Sison: None.

5. Grandparents: Deceased.

6. Brothers and Spouses: No brothers.

7. Sisters and Spouses: Victoria Sison Morimoto and Miles Morimoto: None.

Cynthia Sison Morrissey and Patrick Morrissey: $200 (2004)/$50 (2005)/$100 (2006)/$100 (2007) to Democratic National Committee.

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*David D. Pearce, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

Nominee: David D. Pearce.
Post: Algeria.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses Names: Jennifer Eva Pearce: None.
Joseph Alan Pearce: None.
4. Parents Names: D. Duane Pearce: None.
Mary Jean Pearce: None.
5. Grandparents Names: Howard A. Pearce: Deceased.
Muriel Pearce: Deceased.
Joseph Little: Deceased.
Urania Little: Deceased.
6. Brothers and Spouses Names: Michael Pearce: None.
sp: Kathleen Pearce: None.
Jonathan Pearce: None.
sp: Robyn Pearce: None.
Christopher Pearce: None.
7. Sisters and Spouses Names: Elizabeth Hunt: None.
sp: David Hunt: None.

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*Richard G. Olson, Jr., of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.
Nominee Richard G. Olson, Jr.
Post Embassy Abu Dhabi
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: None.
4. Parents: Richard and Barbara Olson: May have contributed to Minnesota Republican Party prior to their deaths in early 1980s.
5. Grandparents: Unknown, deceased by 1972.
6. Brothers and Spouses: Philip and Elisa Olson: Minimal, Before 2004, Republican and Democratic Candidates in State of Washington. Minimal, Before 2004, Microsoft PAC.
7. Sisters and Spouses: None.

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*John A. Simon, of Maryland, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.
Nominee: John A. Simon.
Post: Ambassador to the Africa Union.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: $100, 9/24/04, Rep. National Committee; $105, 10/23/06, Rep. National Committee; $105, 11/6/06, Rep. National Committee; $100, 6/14/07, Rep. National Committee; $100, 1/16/08, Rep. National Committee; $100, 1/24/08, John McCain 2008.
2. Spouse: Laura Simon: None.
3. Children and Spouses: Will Simon: None.
Leo Simon: None.
Maya Simon: None.
Jayne Simon: None.
4. Parents: Barry Simon: $1,000, 2006, Norm Coleman for Senate; $4,000, 2007–08, Obama for President.
Hinda Simon: $1,000, 2004, John Kerry for President; $100, 2007, Hillary Clinton for President; $4,000, 2007–08, Obama for President.
5. Grandparents: Rhoda Simon: Deceased.
Alfred Simon: Deceased.
Irving Bookstaber: Deceased.
Olga Bookstaber: Deceased.
6. Brothers and Spouses: Alan Simon: None.
Eric Simon: $500, 2004, Kerry for President; $800, 2008, Obama for President.
Christina Elia Simon: $500, 2004, Kerry for President.
7. Sisters and Spouses: None.

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*Mimi Alemayehou, of the District of Columbia, to be United States Director of the African Development Bank for a term of five years.
*Miguel R. San Juan, of Texas, to be United States Executive Director of the Inter-American Development Bank for a term of three years.
*Patrick J. Durkin, of Connecticut, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2009.
*Kenneth L. Peel, of Maryland, to be United States Director of the European Bank for Reconstruction and Development.
*John W. Leslie, Jr., of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2013.
*John O. Agwunobi, of Florida, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2014.
*Julius E. Coles, of Georgia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2011.
*Morgan W. Davis, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring November 13, 2013.
*Peter Robert Kann, of New Jersey, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.
*Michael Meehan, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.
*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. CASEY:
S. 3353. A bill to provide temporary financial relief for rural school districts adversely impacted by the current energy crisis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI:
S. 3354. A bill to award grants for the establishment of demonstration programs to enable States to develop volunteer health care programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself and Mr. BAUCUS):
S. 3355. A bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes; to the Committee on Indian Affairs.

By Mr. CHAMBLISS (for himself, Mr. REED, and Mr. ISAKSON):
S. 3356. A bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS:
S. 3357. A bill to extend the temporary suspension of duty on certain rayon staple fibers; to the Committee on Finance.

By Mr. REID (for Mr. OBAMA):
S. 3358. A bill to provide for enhanced foodborne illness surveillance and food safety capacity; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself and Mr. SMITH):
S. 3359. A bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. CARPER):
S. 3360. A bill to increase the availability of domestically manufactured passenger cars for intercity passenger rail service, and for other purposes; to the Committee on Finance.

By Mr. VITTER:
S. 3361. A bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. SNOWE):
S. 3362. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; 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. LUGAR (for himself and Mr. BIDEN):
S. Res. 629. A resolution honoring the life of, and expressing the condolences of the Senate on the passing of, Bronislaw Geremek; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Ms. LANDRIEU, Mr. CASEY, Mrs. BOXER, and Mrs. MURRAY):
S. Res. 630. A resolution recognizing the importance of connecting foster youth to the workforce through internship programs, and encouraging employers to increase employment of former foster youth; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. WHITEHOUSE, Mr. LAUTENBERG, Ms. KLOBUCHAR, and Mr. SANDERS):
S. Res. 631. A resolution expressing the sense of the Senate that the Senate has lost confidence in the Administrator of the Environmental Protection Agency, Stephen L. Johnson, that the Administrator should resign his position immediately, and that the Department of Justice should open an investigation into the veracity of his congressional testimony regarding the California waiver decision and pursue any prosecutorial action the Department determines to be warranted; to the Committee on Environment and Public Works.

By Mr. REID (for Mr. OBAMA (for himself and Mr. SPECTER)):

S. Con. Res. 96. A concurrent resolution commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 394

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 886

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 886, a bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

S. 1204

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1243

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1270

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1270, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1681

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1681, a bill to provide for a paid family and medical leave insurance program, and for other purposes.

S. 1865

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1865, a bill to provide for mandatory availability of life insurance that does not preclude future lawful travel, and for other purposes.

S. 2227

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 2227, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes.

S. 2372

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from North Dakota (Mr. CONRAD) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2689

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2776, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 2868

At the request of Mr. GREGG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2868, a bill to amend title II of the Immigration and Nationality Act to replace the diversity visa lottery program with a program that issues visas to aliens with an advanced degree.

S. 2942

At the request of Mr. CARDIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 3038

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3061

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 3061, a bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 3073

At the request of Mr. CORNYN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3073, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

S. 3142

At the request of Mr. DODD, his name was added as a cosponsor of S. 3142, a bill to amend the Public Health Service Act to enhance public health activities related to stillbirth and sudden unexpected infant death.

At the request of Mr. BAYH, his name was added as a cosponsor of S. 3142, supra.

S. 3198

At the request of Mr. LAUTENBERG, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3198, a bill to amend title 46, United States Code, with respect to the navigation of submersible or semi-submersible vessels without nationality.

S. 3271

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3271, a bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes.

S. 3299

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 3299, a bill to amend title 38, United States Code, to extend the demonstration project on adjustable rate mortgages and the demonstration project on hybrid adjustable rate mortgages.

S. 3310

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3310, a bill to provide benefits under the Post-Development/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 3323

At the request of Mr. GREGG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3323, a bill to provide weatherization and home heating assistance to low income households, and to provide a heating oil tax credit for middle income households.

S. 3351

At the request of Mr. BIDEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3351, a bill to enhance drug trafficking interdiction by creating a Federal felony for operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

S. RES. 615

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 615, a resolution urging the Government of Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate of the Orthodox Christian Church.

S. RES. 618

At the request of Mr. LUGAR, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from South Carolina (Mr. DEMINT), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 618, a resolution recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks.

S. RES. 625

At the request of Mr. HAGEL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mrs. DOLE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 625, a resolution designating August 16, 2008, as National Airborne Day.

S. RES. 626

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 626, a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided Kennedy v. Louisiana, No. 07–343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child.

S. RES. 627

At the request of Mr. NELSON of Florida, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 627, a resolution welcoming home Keith Stansell, Thomas Howes, and Marc Gonsalves, three citizens of the United States who were held hostage for over five years by the Revolutionary Armed Forces of Colombia (FARC) after their plane crashed on February 13, 2003.

AMENDMENT NO. 5063

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 5063 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5131

At the request of Mr. BUNNING, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 5131 intended to be proposed to S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

AMENDMENT NO. 5249

At the request of Mr. BROWNBACK, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 5249 intended to be proposed to S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI:

S. 3354. A bill to award grants for the establishment of demonstration programs to enable States to develop volunteer health care programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise to discuss the importance of ensuring the people of our Nation have access to health care and what the Senate can do today to help the neediest people get the kind of care they need and are entitled to.

There are currently 61 million Americans who are either uninsured or underinsured. These people, many of whom are working and have families to care for, may have limited access to the kind of routine health care and nonemergency services so many of us take for granted.

Fortunately, at the present time, there is a large, vital network of health care providers in this country who are doing their best to address this need and provide care to this underserved population. We don't talk about this network much, as the Federal Government does not pay for it.

It is made up of volunteers, hundreds of thousands of health care providers, working across America, in almost every community, volunteering their expertise and donating their time to help those in need. These people are physicians, dentists, nurses, optometrists and chiropractors, to name a few of the professions that are represented in this group. Hospitals and outpatient surgical centers are also contributing to the effort.

Caring for our neighbor has always been a basic value for us as Americans. My mother always told me that the service we provide to others is the rent we pay for the space we take up on God's green earth. The people who are participating in this network of care have taken that philosophy to heart and we are all the beneficiaries of their efforts. They are making a difference in more lives than we will ever know.

We have all heard the saying that charity begins at home, and while it is an important part of any effort to address a need in our towns and cities, I am not suggesting that it is the final answer to correct the social injustices that exist in the world. We all realize that too many Americans lack health insurance, and that health care reform is a top priority for Congress. America needs health care reform, and I have a

plan to put that into action in my 10 Steps bill.

As we work on health care reform and all it entails, we can also do something to help provide some support and encouragement to the volunteer effort I have just described. Government has a role to play and it is to facilitate the care that is provided to those who need it so badly by those who are willing to freely offer it to them.

As with so many things, there is a catch, and that is why I am introducing my Volunteer Health Care Act of 2008. My bill will remove a legal barrier that currently prevents physicians and health care professionals from volunteering their services to individuals who either can't afford or can't access even the most basic of care. There is an overwhelming need for medical volunteers to work with the poor in the United States, but medical liability concerns discourage many doctors from providing voluntary services. This bill will help provide access for the disadvantaged and provide them with the care they so desperately need. In return, it will help to alleviate the concerns of health care providers who want to share their talents with the people of their community and give something back to make their part of the world a better place to live.

This legislation addresses the situation in a way that is fair to the patient. It provides an avenue to recover damages if, by chance, some harm is done. It makes use of a formula that has been tried before and been proven to be effective.

I have said before that States are the laboratories for the Federal Government. We know the positive effects that this program can provide because a few States have been using it for more than 10 years. Since the State of Florida started such a program 16 years ago, more than 20,000 health care volunteers have provided more than $1 billion worth of charity care at free clinics, community health and migrant worker clinics, and with other indigent clinics to provide health care that would otherwise not be available. This program calls for minimal expense, but it has the potential for a huge return. Eight other States have enacted this program and have had excellent results. But that is only 8 other States. The legislation that I am proposing today encourages the remaining 41 States to consider it.

Some people would say that the Federal Government has already made provisions for volunteer care with the federal Volunteer Protection Act of 1997. This act raises the standard of care from simple negligence to gross negligence. This law has two drawbacks however. It makes it more difficult for an injured party to prove substandard care and it leaves volunteer providers responsible for paying the cost of their defense.

The bill that I am introducing, the Volunteer Health Care Program Act of 2008, would provide grants to States that would accept medical liability for volunteer medical providers. These programs would protect providers from liability claims, while also ensuring that injured patients could recover damages. This bill addresses both drawbacks of the current Federal volunteer law, it does so at a minimal cost to Federal and state governments, and it has a proven record of working. The passage of this bill will take us one step closer to ensuring access to quality health care for all Americans.

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. 3354

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 ''Volunteer Health Care Program Act of 2008''.

SEC. 2. PURPOSES.

It is the purpose of this Act to provide grants to States to—

(1) promote access to quality health and dental care for the medically underserved and uninsured through the commitment of volunteers; and

(2) encourage and enable healthcare providers to provide health services to eligible individuals by providing sovereign immunity protection for the provision of uncompensated services.

SEC. 3. GRANTS TO STATES TO ESTABLISH AND EVALUATE HEALTHCARE VOLUNTEER INDEMNITY PROGRAMS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399R. GRANTS TO STATES TO ESTABLISH AND EVALUATE HEALTHCARE VOLUNTEER INDEMNITY PROGRAMS.

''(a) IN GENERAL.—The Secretary shall award a grant to an eligible State to enable such State to establish a demonstration program to—

''(1) promote access to quality health and dental care for the medically underserved and uninsured through the commitment of volunteer healthcare providers; and

''(2) encourage and enable healthcare providers to provide health services to eligible individuals, and ensure that eligible individuals have the right to recover damages for medical malpractice (in accordance with State law) by providing sovereign immunity protection for the provision of uncompensated services.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(2) provide assurances that the State will not permit hospitals to enroll individuals seeking care in emergency departments into the State program; and

''(3) provide assurances that the State will provide matching funds in accordance with subsection (e).

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—A State shall use amounts received under a grant under this section to establish a demonstration program under which—

''(A) the State will arrange for the provision of health and dental care to eligible individuals (as determined under subsection (d)) participating in the State program;

''(B) ensure that the health and dental care under paragraph (1) is provided by qualified healthcare providers that do not receive any form of compensation or reimbursement for the provision of such care;

''(C) sovereign immunity is extended to qualified healthcare providers (as defined in paragraph (2)) for the provision of care to eligible individuals under the State program under this section;

''(D) the State will agree not to impose any additional limitations or restrictions on the recovery of damages for negligent acts, other than those in effect on date of the establishment of the demonstration program;

''(E) the State will use more than 5 percent of amounts received under the grant to conduct an annual evaluation, and submit to the Secretary a report concerning such evaluation, of the State program and the activities carried out under the State program.

''(2) QUALIFIED HEALTHCARE PROVIDERS.—

''(A) IN GENERAL.—The term 'qualified healthcare provider' means a healthcare provider described in subparagraph (B) that—

''(i) is licensed by the State to provide the care involved and is providing such care in good faith while acting within the scope of the provider's training and practice;

''(ii) is in good standing with respect to such license and not on probation;

''(iii) is not, or has not been, subject to Medicare or Medicaid sanctions under title XVIII or XIX of the Social Security Act; and

''(iv) is authorized by the State to provide health or dental care services under the State program under this section.

''(B) PROVIDER DESCRIBED.—A healthcare provider described in this subparagraph includes—

''(i) an ambulatory surgical center;

''(ii) a hospital or nursing home;

''(iii) a physician or physician of osteopathic medicine;

''(iv) a physician assistant;

''(v) a chiropractic practitioner;

''(vi) a physical therapist;

''(vii) a registered nurse, nurse midwife, licensed practical nurse, or advanced registered nurse practitioner;

''(viii) a dentist or dental hygienist;

''(ix) a professional association, professional corporation, limited liability company, limited liability partnership, or other entity that provides, or has members that provide, health or dental care services;

''(x) a non-profit corporation qualified as exempt from Federal income taxation under section 501(c) of the Internal Revenue Code of 1986; and

''(xi) a federally funded community health center, volunteer corporation, or volunteer health care provider that provides health or dental care services.

''(d) PRIORITY.—Priority in awarding grants under this section shall be given the States that will provide health or dental care under the State program under this section, to individuals that—

''(1) have a family income that does not exceed 200 percent of the Federal poverty line (as defined in section 673(2) of the Community Health Services Block Grant Act) for a family of the size involved;

''(2) are not be covered under any health or dental insurance policy or program (as determined under applicable State law); and

''(3) are determined to be eligible for care, and referred for such care, by the State department of health or other entity authorized by the State for purposes of administering the State program under this section.

''(e) PROVISION OF INFORMATION.—A State shall ensure that prior to the enrollment under a State program under this section,

the individual involved shall be fully informed of the limitation on liability provided for under subsection (c)(1)(C) with respect to the provider involved and shall sign a waiver consenting to such care.

''(f) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The Secretary may not award a grant to a State under this section unless the State agrees, with respect to the costs to be incurred by the State in carrying out activities under the grant, to make available non-Federal contributions (in cash or in kind under paragraph (2)) toward such costs in an amount equal to not less than $1 for each $3 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities.

''(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—

''(A) IN GENERAL.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(B) MAINTENANCE OF EFFORT.—In making a determination of the amount of non-Federal contributions for purposes of paragraph (1), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the State involved toward the purpose for which the grant was made for the 2-year period preceding the first fiscal year for which the State is applying to receive a grant under this section.

''(g) ADMINISTRATIVE PROVISIONS.—

''(1) AMOUNT OF GRANT.—The amount of a grant under this section shall not exceed $600,000 per year for not more than 5 fiscal years.

''(2) NUMBER OF GRANTS.—The Secretary shall not award more than 15 grants under this section.

''(h) EVALUATION.—Not later than [___] years after the date of enactment of this section, and annually thereafter, the Secretary shall conduct an evaluation of the activities carried out by States under this section, and submit to the appropriate committees of Congress a report concerning the results of such evaluation.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

''(2) EVALUATIONS.—The Secretary shall use 5 percent of the amount appropriated under paragraph (1) for each fiscal year to carry out evaluations under subsection (h).''.

By Mr. DURBIN (for himself and Mr. CARPER):

S. 3360. A bill to increase the availability of domestically manufactured passenger cars for intercity passenger rail service, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce a bill that will help us replace and rehab our aging passenger rail equipment and revive the passenger rail rolling stock manufacturing industry in the United States.

We are currently witnessing fundamental changes to our economy and our national transportation system driven by the rising price of oil. High gas prices have caused hardship for millions of American families and are having a deeply negative impact on the Nation's economy. The aviation industry has been nearly crippled by the rising price of jet fuel and has announced it will be cutting over 30,000 jobs, mothballing almost 1,000 aircraft and leaving 100 communities across the country without any commercial air service.

As these trends continue, the demand for an efficient, cost-effective and reliable alternative travel mode increases. Aviation downsizing and the high cost of driving have propelled passenger rail ridership and revenue to record breaking levels, especially in Illinois. Ridership on the Illinois Zephyr and Carl Sandburg routes jumped 41.4 percent in fiscal 2007, compared to fiscal 2006. Ridership on all Illinois state-subsidized routes added an additional 181,000 passengers during the first ⅔ of fiscal year 2008, bringing the State's ridership to 670,000 for the year. Across the country, Amtrak's ridership has grown by 12 percent and continues to rise.

These numbers suggest we are experiencing a passenger rail renaissance. However, this upward trend will only continue to a point. Unless we act—and act soon—we may not be able to capitalize on this moment in time and finally make passenger train travel a mainstay of American life, much like elsewhere in the industrialized world.

My bill addresses the most immediate obstacle to making this a reality—the lack of passenger rail train cars and equipment. Amtrak's existing fleet of rail cars is old and in desperate need of repair. Amtrak estimates it will only be able to have an additional five trains—all of which are 30 years old or older—rehabbed and ready for service this holiday season.

We need to re-fleet the aging, broken-down rolling stock that our passenger rail system has been barely getting by with. This bill provides a menu of financing options to bring our existing fleet into a state of good repair and build the next generation of trainsets here at home.

Domestic railcar giants like the Pullman and Budd Companies provided a strong manufacturing base for over 100 years, providing rail cars that are still on the tracks today. But those companies have long since closed their doors and have left the business of making passenger rail cars due to years of underinvestment in the United States and increased investment by European countries.

The Train CARS Act provides funding that will allow us to immediately engage manufacturers currently making trainsets overseas and encourage them to bring their modern design and manufacturing expertise to the U.S. and open rail car manufacturing facilities here to meet our growing demand. Second, the bill provides a tax incentive for private, domestic businesses to reenter the passenger rail equipment business and rebuild facilities and train cars here in the U.S.

We also need to recognize the critical role that States play in boosting rail ridership numbers. Illinois has recognized the need to increase intercity rail service and doubled its funding from $12 million to $24 million annually. This funding has allowed for greater frequencies along Illinois' corridor routes, but we have hit a wall—there are no trainsets to add capacity to handle the growing ridership.

My bill will reward those States that are able to raise revenue for routes by matching, dollar-for-dollar, their contributions for additional rolling stock. These are investments well spent. Amtrak is 18 percent more efficient than commercial airlines on a passenger-mile basis, according to the Department of Energy. Passenger rail engines use electrical propulsion and diesel fuel combinations which are less susceptible to swings in crude prices than jet fuel. With each dollar spent on intercity rail, we take cars off our roads and lessen congestion on our highways, while at the same time increasing economic activity along rail routes.

Lastly, we need to deal with fundamental changes in our transportation system that are on the horizon. We need a twenty-first century rail system that makes flying short distances a thing of the past. To make this possible we will have to explore building a high-speed rail network rooted in major metropolitan areas like Chicago. Electrifying these trains and giving the tracks a dedicated right-of-way will allow us to achieve speeds of 200 mph, without ever burning a drop of oil. This bill includes a provision to explore what types of investment we will need to make that a reality.

As we get closer to the debate of the next surface transportation bill, we stand at a crossroads of a new era for rail service in the United States. Communities are increasingly vocal about their demands for cheaper, cleaner transportation options, and intercity rail service is an integral component of meeting those needs. We need to take this opportunity and revive a dormant passenger rail industry that once offered high-paying jobs to thousands of workers and could easily do so again. Waking this sleeping giant will allow us to lay the ground work for a transportation system that will be the backbone of the 21st century economy; one that is fast, efficient, and oil independent.

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. 3360

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 ''Creating American Rolling Stock Act of 2008'' or the ''Train CARS Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AMTRAK.—The term ''Amtrak'' means the National Railroad Passenger Corporation.

(2) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means Amtrak, a State (including the District of Columbia), a group of States, an interstate compact, or a regional transportation authority established by 1 or more States and having responsibility for providing intercity passenger rail service.

(3) INTERCITY PASSENGER RAIL SERVICE.—The term ''intercity passenger rail service'' means transportation services with the primary purpose of passenger transportation between towns, cities, and metropolitan areas by rail.

(4) REHABILITATE.—The term ''rehabilitate'' means extending the useful life or improving the effectiveness of existing rolling stock, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock;

(D) the rehabilitation or remanufacture of rail rolling stock and associated facilities used primarily in intercity passenger rail service; and

(E) the use of nonstructural elements.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 3. GRANTS TO PURCHASE DOMESTICALLY MANUFACTURED ROLLING STOCK FOR INTERCITY PASSENGER RAIL SERVICE.

(a) GRANT AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Transportation may award grants under this section to eligible applicants to purchase or rehabilitate domestically manufactured rolling stock necessary to provide or improve intercity passenger rail transportation.

(2) CONDITIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate regulations that establish procedures and schedules for the awarding of grants under this section, including application and qualification procedures and a record of decision on applicant eligibility.

(b) PROJECT AS PART OF STATE RAIL PLAN.—

(1) IN GENERAL.—The Secretary may not award a grant for a purchase of rolling stock under this section unless the Secretary determines that—

(A) the project is part of a State rail plan developed under chapter 225 of title 49, United States Code; and

(B) the applicant or recipient has or will have the legal, financial, and technical capacity to purchase, install, and maintain the rolling stock.

(2) INFORMATION.—An eligible applicant shall provide sufficient information upon which the Secretary can make the determination required under paragraph (1).

(c) SELECTION CRITERIA.—In selecting grant recipients under subsection (a), the Secretary shall—

(1) require that each rail car purchased with grant funds meet all applicable safety and security requirements;

(2) give preference to rail cars with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements;

(3) ensure that each rail car is compatible with, and is operated in conformance with—

(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

(B) the national rail plan, if available; and

(4) give preference to purchases of rolling stock that—

(A) are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety;

(B) will improve freight or commuter rail operations;

(C) will have significant environmental benefits, including the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;

(D) will have positive economic and employment impacts;

(E) have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project;

(F) involve donated property interests or services;

(G) are identified by the Surface Transportation Board as necessary to improve the on-time performance and reliability of intercity passenger rail under section 24308(f) of title 49, United States Code;

(H) are designed to support intercity passenger rail service;

(I) can be easily transferred to commuter service or to another intercity passenger rail route; and

(J) are produced domestically.

(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, Amtrak may enter into a cooperative agreement with 1 or more States to purchase or rehabilitate rolling stock for 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of title 49, United States Code.

(e) FEDERAL SHARE OF NET PROJECT COST.—A grant for the purchase of rolling stock under this section shall not exceed 80 percent of the total cost.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to the Secretary for fiscal year 2009 and for each subsequent fiscal year for the grants to purchase domestically manufactured and rehabbed rolling stock under this section.

SEC. 4. BUY AMERICAN CONDITIONS.

(a) DOMESTIC BUYING PREFERENCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—In using grant funds or bond proceeds made available under this Act or an amendment made by this Act for purchasing rolling stock, a grant or bond proceeds recipient may only purchase—

(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

(B) DE MINIMIS AMOUNT.—Subparagraph (A) shall only apply to purchases totaling at least $1,000,000.

(2) EXEMPTIONS.—The Secretary of Transportation may exempt a grant or bond proceeds recipient from the requirements of this subsection if the Secretary, after receiving an application for such exemption, determines that, for particular articles, material, or supplies—

(A) such requirements are inconsistent with the public interest;

(B) the cost of imposing the requirements is unreasonable; or

(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—Any entity that conducts rail operations using rolling stock that has been manufactured or rehabilitated with funding provided in whole or in part by a grant or bond proceeds made available under this Act or an amendment made by this Act shall be considered a rail carrier (as defined in section 10102(5) of title 49, United States Code) for purposes of this Act and any other law that adopts that definition or in which that definition applies, including—

(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

(c) PREVAILING WAGE REQUIREMENT.—Any entity that purchases or rehabilitates rolling stock which has been financed in whole or in part by grants or bond proceeds made available under this Act or an amendment made by this Act shall comply with subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the ''Davis-Bacon Act''.

SEC. 5. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee (referred to in this section as the ''Committee''), which shall be comprised of representatives of Amtrak, the Federal Railroad Administration, host freight railroad companies, passenger railroad equipment manufacturers, commuter rail agencies, railroad labor unions, other passenger railroad operators, as appropriate, and interested States.

(b) PURPOSE.—The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment, including rolling stock that is easily transferred from commuter rail service to new intercity passenger rail service.

(c) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States;

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain, and rehabilitate equipment; and

(4) explore the benefits of creating a public or private entity that would—

(A) purchase and own domestically produced rolling stock; and

(B) lease such rolling stock to States or Amtrak for passenger rail service.

(d) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may—

(1) enter into agreements for the funding, procurement, rehabilitation, ownership, management, or leasing of corridor equipment, including equipment currently owned or leased by Amtrak and next generation corridor equipment acquired as a result of the Committee's actions; and

(2) establish a corporation, which may be owned or jointly owned by Amtrak, participating States or other entities, to perform these functions.

SEC. 6. INTERCITY PASSENGER RAIL ROLLING STOCK ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended by adding at the end the following new subsection:

''(g) INTERCITY PASSENGER RAIL ROLLING STOCK ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Highway Trust Fund a separate

account to be known as the 'Intercity Passenger Rail Rolling Stock Account', consisting of such amounts as may be transferred or credited to the Intercity Passenger Rail Rolling Stock Account as provided in this subsection or section 9602(b).

''(2) TRANSFER TO ACCOUNT OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—The Secretary of the Treasury shall transfer to the Intercity Passenger Rail Rolling Stock Trust Fund the intercity passenger rail rolling stock portion of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes under section 4041 or 4081 imposed after September 30, 2009, and before October 1, 2012. For purposes of the preceding sentence, the term 'intercity passenger rail rolling stock portion' means for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the determined at the rate of .25 cent per gallon.

''(3) EXPENDITURES FROM ACCOUNT.—

''(A) IN GENERAL.—Amounts in the Intercity Passenger Rail Rolling Stock Account shall be available without fiscal year limitation to—

''(i) eligible applicants (as defined in section 2 of the Train CARS Act) to finance the purchase and rehabilitation of rolling stock, and

''(ii) each non-Amtrak State, to the extent determined under subparagraph (B), for transportation-related expenditures.

''(B) MAXIMUM AMOUNT OF FUNDS TO NON-AMTRAK STATES.—Except as provided under subparagraph (C), each non-Amtrak State shall receive under this paragraph an amount equal to the lesser of—

''(i) the State's qualified expenses for the fiscal year, or

''(ii) the product of the number of months such State is a non-Amtrak State in such fiscal year and 1/12 of 1 percent of the lesser of—

''(I) the aggregate amounts transferred and credited to the Intercity Passenger Rail Account under paragraph (1) for such fiscal year, or

''(II) the aggregate amounts appropriated from the Intercity Passenger Rail Account for such fiscal year.

''(C) ADJUSTMENT.—If the amount determined under subparagraph (B)(ii) exceeds the amount under subparagraph (B)(i) for any fiscal year, the amount under subparagraph (B)(ii) for the following fiscal year shall be increased by the amount of such excess.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) QUALIFIED EXPENSES.—The term 'qualified expenses' means expenses incurred, with respect to obligations made, after September 30, 2009, and before October 1, 2012—

''(i) for—

''(I) in the case of the National Railroad Passenger Corporation, the acquisition of equipment and rolling stock, the upgrading of rolling stock maintenance facilities, and the maintenance of existing equipment in intercity passenger rail service, and the payment of interest and principal on obligations incurred for such acquisition, upgrading, and maintenance, and

''(II) in the case of a non-Amtrak State, transportation-related expenses, and

''(ii) certified by the Secretary of Transportation on October 1 as meeting the requirements of clause (i) and as qualified for payment under paragraph (5) for the fiscal year beginning on such date.

''(B) NON-AMTRAK STATE.—The term 'non-Amtrak State' means any State which does not receive intercity passenger rail service from the National Railroad Passenger Corporation.

''(5) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Transportation shall certify expenses as qualified for a fiscal year on October 1 of such year, in an amount not to exceed the amount of receipts estimated by the Secretary of the Treasury to be transferred to the Intercity Passenger Rail Rolling Stock Account for such fiscal year. Such certification shall result in a contractual obligation of the United States for the payment of such expenses.

''(6) TAX TREATMENT OF TRUST FUND EXPENDITURES.—With respect to any payment of qualified expenses from the Intercity Passenger Rail Rolling Stock Account during any taxable year to a taxpayer—

''(A) such payment shall not be included in the gross income of the taxpayer for such taxable year,

''(B) no deduction shall be allowed to the taxpayer with respect to any amount paid or incurred which is attributable to such payment, and

''(C) the basis of any property shall be reduced by the portion of the cost of such property which is attributable to such payment.

''(7) TERMINATION.—The Secretary shall determine and retain, not later than October 1, 2012, the amount in the Intercity Passenger Rail Rolling Stock Account necessary to pay any outstanding qualified expenses, and shall transfer any amount not so retained to the Highway Trust Fund.''.

(b) CONFORMING AMENDMENT.—Section 9503 of the Internal Revenue Code of 1986 is amended by striking paragraph (5) of subsection (e) and by adding at the end the following new subsection:

''(h) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNTS.—

''(1) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account, the Mass Transit Account, and the Intercity Passenger Rail Rolling Stock Account in proportion to the respective revenues transferred under this section to the Highway Account (after the application of subsections (e)(2) and (g)(2)) and the Mass Transit Account and the Intercity Passenger Rail Rolling Stock Account.

''(2) HIGHWAY ACCOUNT.—For purposes of paragraph (1), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account or the Intercity Passenger Rail Rolling Stock Account.''.

(c) CAPACITY IMPROVEMENT CHARGE MATCHING PROGRAM.—Any eligible applicant that subsidizes intercity passenger rail service and imposes a capital investment fee on each ticket sold for such service is eligible to receive $1 from the Intercity Passenger Rail Rolling Stock Account (as established in section 9503(g) of the Internal Revenue Code of 1986) for every $1 of such fee that is used to purchase domestically manufactured rolling stock.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxes imposed after September 30, 2009.

SEC. 7. RAIL INFRASTRUCTURE INVESTMENT.

(a) CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new section:

''SEC. 54C. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

''(a) QUALIFIED AMTRAK BOND.—For purposes of this subpart, the term 'qualified Amtrak bond' means any bond issued as part of an issue if—

''(1) 100 percent or more of the available project proceeds of such issue are to be used for expenditures incurred after the date of the enactment of this section for any qualified project,

''(2) the bond is issued by the National Railroad Passenger Corporation, is in registered form, and meets the bond limitation requirements under subsection (b),

''(3) the issuer designates such bond for purposes of this section,

''(4) the issuer certifies that it meets the State contribution requirement of subsection (h) with respect to such project, as in effect on the date of the enactment of this section,

''(5) the issuer certifies that it has obtained the written approval of the Secretary of Transportation for such project in accordance with section 26301 of title 49, United States Code, as in effect on the date of the enactment of this section,

''(6) the payment of principal with respect to such bond is the obligation of the National Railroad Passenger Corporation, and

''(7) in lieu of the requirements of section 54A(d)(2), the issue meets the requirements of subsection (d).

''(b) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—There is a qualified Amtrak bond limitation for each fiscal year. Such limitation is—

''(A) $700,000,000 for each of the fiscal years 2009 through 2012, and

''(B) except as provided in paragraph (4), $0 after fiscal year 2012.

''(2) LIMITS ON BONDS FOR INDIVIDUAL STATES.—Not more than $300,000,000 of the limitation under paragraph (1) may be designated for any individual State.

''(3) LIMIT ON BONDS FOR OTHER PROJECTS.—Not more than $100,000,000 of the limitation under paragraph (1) for any fiscal year may be designated for all qualified projects described in subsection (g)(1)(C).

''(4) CARRYOVER OF UNUSED LIMITATION.—If for any fiscal year—

''(A) the limitation amount under paragraph (1), exceeds

''(B) the amount of bonds issued during such year which are designated under subsection (a)(3),

the limitation amount under paragraph (1) for the following fiscal year (through fiscal year 2016) shall be increased by the amount of such excess.

''(c) MATURITY LIMITATIONS.—In lieu of section 54A(d)(5), a bond shall not be treated as a qualified Amtrak bond if the maturity of such bond exceeds 20 years.

''(d) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the issuer reasonably expects—

''(A) to spend 100 percent or more of the available project proceeds of the issue for 1 or more qualified projects within the 3-year period beginning on such date,

''(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 6-month period beginning on such date, and

''(C) to proceed with due diligence to complete such projects and to spend the proceeds from the sale of the issue.

''(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 3-YEAR DETERMINATION.—If at least 100 percent of the available project proceeds of the issue is not expended for 1 or more qualified projects within the 3-year period beginning on the date of issuance, but

the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if either—

''(A) the issuer uses all unspent proceeds of the issue to redeem bonds of the issue within 90 days after the end of such 3-year period, or

''(B) the following requirements are met:

''(i) The issuer spends at least 75 percent of the available project proceeds of the issue for 1 or more qualified projects within the 3-year period beginning on the date of issuance.

''(ii) Either—

''(I) the issuer spends at least 100 percent of the available project proceeds of the issue for 1 or more qualified projects within the 4-year period beginning on the date of issuance, or

''(II) the issuer pays to the Federal Government any earnings on the proceeds of the issue that accrue after the end of the 3-year period beginning on the date of issuance and uses all unspent proceeds of the issue to redeem bonds of the issue within 90 days after the end of the 4-year period beginning on the date of issuance.

For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(e) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

''(1) IN GENERAL.—If any bond which when issued purported to be a qualified Amtrak bond ceases to be such a qualified bond, the issuer shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(A) the aggregate of the credits allowable under section 54A with respect to such bond (determined without regard to section 54A(c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

''(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

''(2) FAILURE TO PAY.—If the issuer fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under section 54A to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under section 54A with respect to such issue for such taxable years.

''(3) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of section 54A which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

''(i) the amount of any credit allowable under this part, or

''(ii) the amount of the tax imposed by section 55.

''(4) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1), the proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent that the issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified Amtrak bond.

''(f) TRUST ACCOUNT.—

''(1) IN GENERAL.—The following amounts shall be held in a trust account by a trustee independent of the National Railroad Passenger Corporation:

''(A) The proceeds from the sale of all bonds designated for purposes of this section.

''(B) The amount of any matching contributions with respect to such bonds.

''(C) The temporary period investment earnings on proceeds from the sale of such bonds.

''(D) Any earnings on any amounts described in subparagraph (A), (B), or (C).

''(2) USE OF FUNDS.—Amounts in the trust account may be used only to pay costs of qualified projects and redeem qualified Amtrak bonds, except that amounts withdrawn from the trust account to pay costs of qualified projects may not exceed the aggregate proceeds from the sale of all qualified Amtrak bonds issued under this section.

''(3) USE OF REMAINING FUNDS IN TRUST ACCOUNT.—Upon the redemption of all qualified Amtrak bonds issued under this section, any remaining amounts in the trust account described in paragraph (1) shall be available to the issuer for any qualified project.

''(g) QUALIFIED PROJECT.—For purposes of this section, the term 'qualified project' has the meaning given the term 'qualified expenses' in section 9503(g) of the Internal Revenue Code of 1986.

''(h) STATE CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a)(4), the State contribution requirement of this subsection is met with respect to any qualified project if the National Railroad Passenger Corporation has received from 1 or more States, not later than the date of issuance of the bond, matching contributions of not less than 20 percent of the cost of the qualified project.

''(2) STATE MATCHING CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State matching contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.''.

(b) EXCLUSION FROM GROSS INCOME OF CONTRIBUTIONS BY AMTRAK TO OTHER RAIL CARRIERS.—

(1) IN GENERAL.—Section 118 of the Internal Revenue Code of 1986 (relating to contributions to the capital of a corporation) is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

''(d) SPECIAL RULE FOR CONTRIBUTIONS BY AMTRAK TO OTHER RAIL CARRIERS.—For purposes of this section, the term 'contribution to the capital of the taxpayer' does not include any contribution by the National Railroad Passenger Corporation of personal or real property funded by the proceeds of qualified Amtrak bonds under section 54C.''.

(2) CONFORMING AMENDMENT.—Subsection (b) of such section 118 is amended by striking ''subsection (c)'' and inserting ''subsections (c) and (d)''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a qualified Amtrak bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a qualified Amtrak bond, a purpose specified in section 54C(g).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 54C. Qualified Amtrak bonds.''.

(d) ANNUAL REPORT BY TREASURY ON AMTRAK TRUST ACCOUNT.—The Secretary of the Treasury shall annually report to Congress as to whether the amount deposited in the trust account established by Amtrak under section 54C(f) of the Internal Revenue Code of 1986, as added by this section, is sufficient to fully repay at maturity the principal of any outstanding qualified Amtrak bonds issued pursuant to section 54C of such Code (as so added), together with amounts expected to be deposited into such account, as certified by Amtrak in accordance with procedures prescribed by the Secretary of the Treasury.

(e) ISSUANCE OF REGULATIONS.—The Secretary of the Treasury shall issue regulations required under section 54C of the Internal Revenue Code of 1986 (as added by this section) not later than 90 days after the date of the enactment of this Act.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of enactment of this Act.

SEC. 8. NATIONAL PASSENGER RAIL ELECTRIFICATION SYSTEM STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to determine the potential costs, benefits, and economic impact of providing intercity passenger rail along a national railway electrification system.

(b) COMPONENTS OF STUDY.—The study conducted under subsection (a) shall analyze the infrastructure needed to operate reliable, high-speed rail intercity passenger service along a national railway electrification system, including an analysis of—

(1) the equipment costs to achieve such service;

(2) the environmental impacts related to transitioning to an electrified system;

(3) safety issues;

(4) national security issues;

(5) the high-speed benefits of an electrified system;

(6) the need for any improvements to existing tunnels, bridges, and other railroad facilities, or the need for the construction of new facilities; and

(7) the impacts to freight rail traffic.

SEC. 9. REPORT REQUIRED.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall submit a report to Congress that describes—

(1) existing Federal programs, policies, and initiatives that could assist in the training of workers from the automotive, aviation, and manufacturing industries to transition such workers to the railcar manufacturing and maintenance industry; and

(2) recommendations for specific legislative and administrative changes that would assist and encourage workers who have been displaced by cutbacks in the aviation, automotive, and manufacturing industries into transitioning to the rail industry.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 3362. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I rise today to introduce the SBIR/STTR Reauthorization Act of 2008. This bill reauthorizes the Small Business Innovation Research and Small Business Technology Transfer programs for 14 years each and makes several improvements to the programs that will allow them to work better for small business, while continuing to make an important contribution to our country's innovation economy.

When the SBIR program was originally conceived in the late 1970s and early 80s, it was in response to serious concerns that the United States was falling behind its competitors in the global economy because of a failure to innovate. At that time, as remains the case today, the lion's share of our federal research and development budget was going to large businesses and to universities that, while doing important work, simply were not doing the type of high-risk, high-reward research that drives innovation and keeps us on the technological cutting edge. It was found that small businesses were fastest and most effective not only at generating new technologies but at doing so in cost-effective ways; however, they were receiving a disproportionately low share of Federal R&D dollars, as also remains the case today. The SBIR program, therefore, was designed in 1982 to harness the innovative capacity of America's small businesses to meet the needs of our federal agencies and to help grow small, high-tech firms that, in turn, grow local economies all across the Nation. The STTR program was originally created as a pilot program in 1992 to stimulate partnerships between small businesses and non-profit research institutions, such as universities.

Today, our country once again stands at a turning point, and competition from all across the globe, from Europe to Far East Asia, makes it more important than ever that we continue to innovate and to push the boundaries in sectors across the whole range of the spectrum, from defense technologies to energy efficiency to biotechnology. This bill ensures that small businesses can be confident that the SBIR and STTR programs will be there for them years down the line and that these highly successful programs can continue to help our federal agencies meet their needs and help maintain our role as a world leader in innovations. In order to provide more small businesses with access to the SBIR and STTR programs, the bill increases the allocation for the SBIR program and doubles the allocation for the STTR program. This will allow for more technologies to be developed through these programs, technologies such as a machine that uses lasers and computer cameras to sort and inspect bullets at a much finer level than the human eye can manage, developed through an SBIR grant by a small business in Michigan, a therapeutic drug to treat chronic inflammatory disease, developed by a Montana SBIR recipient, and a nerve gas protection system, developed by an SBIR company in Massachusetts. This is not to mention the tangible benefit that these additional dollars for the SBIR and STTR programs will have in the way of business growth, job creation, and economic development, since, according to the National Academy of Sciences, more than one in ten SBIR award recipients start their company simply because of their having received an award.

Our committee has a long history of working together in a bipartisan way to pass legislation, and I am pleased to have worked closely with my ranking member, Senator SNOWE, on this bill. I am also pleased that we have been able to incorporate provisions to address the priorities of a number of other Senators on the committee, including language from Senator LIEBERMAN to address the National Academies' concerns about the lack of data and evaluation at NIH and to encourage innovation at NIH to accelerate the development of treatments and cures, language from Senator LANDRIEU regarding the FAST program to increase the participation of rural small businesses by making the matching requirement from rural states more affordable, a provision from Senator COLEMAN that creates a pilot program to encourage innovative small businesses to provide opportunities to college students studying science, technology, engineering, and math, and a provision from Senator CARDIN to clarify that small businesses with Cooperative Research and Development Agreement, CRADA, with Federal labs can still participate in the SBIR program.

I want to thank all those involved for their hard work on this legislation. I urge my colleagues to support this bill when it comes before the full Senate.

Ms. SNOWE. Mr. President. I rise today with Senator KERRY to introduce the SBIR/STTR Reauthorization Act of 2008. This measure is truly bipartisan in scope, and is the product of 9 months of negotiation. I am pleased that we have come to an agreement on a package that will further strengthen these programs—making them even more beneficial to small businesses.

This bill would reauthorize the crucial Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs—which were last reauthorized in 2000. The SBIR and STTR programs award Federal research and development funds to small businesses to encourage them to innovate and commercialize new technologies, products, and services. These programs provide more than $2 billion in Federal research and development funding each year to small businesses, and the benefit to my State of Maine cannot be overstated. According to the most recent data, in fiscal year 2005, Maine's technology-based small businesses received more than $4.5 million in SBIR total awards. We simply cannot and must not allow these programs to expire at the end of this coming September.

The legislation before us today which would provide key improvements to the SBIR and STTR programs are based on a comprehensive SBA Reauthorization bill that I introduced last Congress when I served as chair of the Senate Committee on Small Business and Entrepreneurship. This Congress, our committee has held two roundtables, with Federal agency heads and key interested stakeholders, in developing this measure. Specifically, our bill would increase the size of Phase I program awards from $100,000 to $150,000, and Phase II awards from $750,000 to $1 million. It would also tie future award increases to inflation. These pivotal reforms represent a wellspring of indispensable technological-fuel to the small business engines that drive our Nation's innovation.

Since the SBIR program was created, small hi-tech firms have submitted more than 250,000 proposals, resulting in more than 60,000 awards worth approximately $19 billion. By doubling the percentage of Federal research and development dollars that the STTR program receives each year, and increasing the SBIR percentage by 1 percent over 10 years, we will infuse another $1 billion into the small business economy. At a time when our national economy is flagging due to skyrocketing energy prices and a correcting housing market, the SBIR program is more essential then ever, if we are to capitalize on the groundbreaking capacities of Nation's pioneering small businesses.

While innovation in areas such as genomics, biotechnology, and nanotechnology present new opportunities, converting these ideas into marketable products involves substantial funding challenges. Many small businesses simply cannot afford the exorbitant cost of developing and bringing a product into the marketplace. In order to confront this challenge, our legislation offers a compromise solution to the venture capital or ''VC'' issue that has recently divided members of this committee and the SBIR community.

This bill would allow limited involvement by majority-owned venture capital firms in the SBIR program which could receive only a maximum 18 percent of SBIR funding at the National Institutes of Health and 8 percent at all other qualifying agencies. These percentages correspond to the most recent Government Accountability Office data regarding VC investment in the SBIR program. Additionally, we leave in place well-established SBA rules designed to limit participation in the SBIR program to small businesses.

Other key provisions in this vital legislation include the reauthorization and enhancement of my SBIR Defense

Commercialization Pilot Program. Senator KERRY and I created this program in 108th Congress to encourage the award of contracts to SBIR firms. The bill also includes a provision to reauthorize and increase funding to the Federal and State Partnership, FAST, program which would allow each state—including Maine—to receive funding in the form of a grant to make available an array of services in support of the SBIR program.

Now, more than ever, we in Congress must do everything within our power to help small businesses drive the recovery of our economy. It is imperative that we reauthorize the SBIR and STTR programs, particularly before the program terminates at the end of this fiscal year—fewer than 2 months away. I look forward to working with my colleagues on both sides of the aisle to pass this vital measure in the full Senate, and then negotiating with the House Small Business Committee, so that the President can sign this package into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 629—HONORING THE LIFE OF, AND EXPRESSING THE CONDOLENCES OF THE SENATE ON THE PASSING OF, BRONISLAW GEREMEK

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 629

Whereas Bronislaw Geremek was born on March 6, 1932, in Warsaw, Poland;

Whereas Bronislaw Geremek led the democratic movement in Poland in the 1970s, with his moral clarity and perseverance;

Whereas Bronislaw Geremek was spirited out of the Warsaw Ghetto at the age of 7 and survived the Second World War in hiding from the Nazis;

Whereas Bronislaw Geremek was educated at the Faculty of History at the University of Warsaw and the École Pratique des Hautes Études in Paris and the Polish Academy of Sciences;

Whereas Bronislaw Geremek was a distinguished professor of history and received honorary degrees from University of Bologna, Utrecht University, the Sorbonne, Columbia University, and Jagiellonian University in Krakow, Poland;

Whereas Bronislaw Geremek was a member of the Academia Europea, the PEN Club, and the Société Européene de Culture and served as a visiting scholar at the Woodrow Wilson International Center for Scholars of the Smithsonian Institution;

Whereas Bronislaw Geremek joined the Gdansk workers' protest movement and became one of the leaders of the independent trade union ''Solidarity'' and chaired the Program Commission of the First National Convention of Solidarity in 1981;

Whereas, in December 1981, Bronislaw Geremek was detained for his involvement with Solidarity following the imposition of martial law in Poland;

Whereas, in his capacity as leader of the Commission for Political Reforms of the Civic Committee, Bronislaw Geremek worked to ensure a peaceful transition to democracy in Poland;

Whereas Bronislaw Geremek was a founder of the Democratic Union, a member of the Sejm, the lower house of parliament in Poland, and chairman of the Political Council of the Freedom Union from 1989 to 2001;

Whereas Bronislaw Geremek was the Minister of Foreign Affairs for Poland from 1997 to 2000 and was a courageous advocate for democracy and human rights;

Whereas, in March 1999, Bronislaw Geremek led efforts of the Government of Poland to join the North Atlantic Treaty Organization, saying that ''Poland returns to where she has always belonged: the free world'';

Whereas, in 2001, Bronislaw Geremek was elected to the European Parliament, where he was a member of the Alliance of Liberal and Democrats for Europe;

Whereas Bronislaw Geremek was a member of the Global Leadership Foundation;

Whereas Bronislaw Geremek was a recipient of the Order of the White Eagle, Poland's most prestigious decoration;

Whereas, through his valiant and persistent efforts, Bronislaw Geremek helped consolidate freedom in Eastern Europe and open the door to strong relations with the United States and the West;

Whereas the bravery of Bronislaw Geremek gave hope to those around the world in their own struggles with oppression and tyranny; and

Whereas Bronislaw Geremek made an invaluable contribution to his community, to Poland, and the world: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of Bronislaw Geremek and expresses its condolences on his passing; and

(2) requests that the Secretary transmit an enrolled copy of this resolution to the family of the deceased and to the Ambassador of Poland to the United States.

Mr. LUGAR. Mr. President, I rise today to offer a resolution honoring the life of Bronislaw Geremek and expressing the condolences of the Senate on his death. I am pleased that Senator BIDEN has agreed to cosponsor this important resolution.

Minister Geremek was a freedom fighter and a former Foreign Minister of Poland. He began his fight for freedom at age seven when he escaped the Warsaw Ghetto and successfully hid from the Nazis through the end of World War II.

Minister Geremek went on to become a professor of history and received honorary degrees from such prestigious institutions as the Sorbonne and Columbia University. In the 1970s, he joined the Gdansk workers' protest movement in Soviet-controlled Poland. With unwavering conviction, he became a leader of the independent trade union ''Solidarity'' and helped usher in a new era that led to the fall of the Soviet Union. His efforts gave hope to many across Eastern Europe and around the world struggling against tyranny and oppression. While he guided his nation towards democracy in Eastern Europe, the political, social, and economic ramifications of his efforts were felt across the world.

On July 13, 2008, this statesman who helped vanquish communism in Europe unexpectedly passed away. His life's work gave millions of people the freedom to choose their government, their economy, and their livelihood. For his sacrifices to Poland, Europe, and the world, he deserves the honor and respect of the United States Senate and our Nation. I ask for the support of my colleagues in passing this important resolution celebrating the life of Bronislaw Geremek.

SENATE RESOLUTION 630—RECOGNIZING THE IMPORTANCE OF CONNECTING FOSTER YOUTH TO THE WORKFORCE THROUGH INTERNSHIP PROGRAMS, AND ENCOURAGING EMPLOYERS TO INCREASE EMPLOYMENT OF FORMER FOSTER YOUTH.

Mrs. CLINTON (for herself, Ms. LANDRIEU, Mr. CASEY, Mrs. BOXER, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions.

S. RES. 630

Whereas, on any given day, there are more than 500,000 youth in foster care in the United States;

Whereas an estimated 26,000 of these youth are discharged from the foster care system or ''age out'' with few or no resources to start their own lives;

Whereas the people of the United States have a sincere appreciation for the circumstances that place children in foster care;

Whereas foster youth possess unique qualities and skills that make them ideal candidates for employment, but compared to youth nationally and youth from low-income families, they are less likely to be employed or employed regularly;

Whereas, when afforded comprehensive support, this resilient population excels in the job market;

Whereas, within 18 months after leaving foster care, 25 percent of foster youth become homeless, and former foster youth comprise more than a quarter of the United States homeless population;

Whereas, without positive intervention, youth who age out of foster care often have bouts of homelessness, criminal activity, and incarceration;

Whereas addressing job readiness early in the transition to adulthood is critical to shaping the future trajectories of these youth; and

Whereas youth who begin connecting to the workforce prior to discharge from foster care maintain the highest probability of employment: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of connecting foster youth to the workforce through internship programs, such as the Orphan Foundation of America's InternAmerica program and other programs, that provide to foster youth the foundation upon which to build their careers and to be successful members of the workforce; and

(2) encourages employers of all sectors and Federal, State, and local governmental agencies to increase employment of the young men and women who have been discharged from foster care in the United States.

Mrs. CLINTON. Mr. President, today I am pleased to introduce a resolution that recognizes the importance of connecting foster youth to internship and employment opportunities. I thank Congressmen CARDOZA, MCDERMOTT, and FATTAH for raising this important

matter in the House of Representatives, and I am proud to give voice to the issue in the Senate.

According to the most recent statistics available, 26,000 youth aged out of foster care in fiscal year 2006. Though many of these youth have characteristics that make them ideal for employment, research shows they have few resources for self-sufficiency and are less likely to be regularly employed than their counterparts in the general population. Because of the instability they experience in foster care, these young adults do not have access to the same kinds of family and community resources that often link young people to jobs and internships.

That is why I am introducing a resolution today recognizing how critical it is for foster youth to be connected to internship and employment opportunities as they transition from foster care to life on their own. This resolution expresses the importance of linking these youth to the workforce through internships and encourages employers to increase their hiring of former foster youth.

Throughout my career, I have been an advocate for foster youth. As First Lady, I worked towards enacting the Foster Care Independence Act of 1999, legislation that doubled funding for the Federal Independent Living Program and helps youth in foster care earn a high school diploma, participate in vocational training or education, and learn daily living skills. The legislation also extends services to youth up to age 21, which enables more of these young adults to obtain a college education and allows states to provide them with financial assistance as they learn skills to enter the workforce. In the Senate, I have introduced legislation addressing the needs of foster youth. Most recently, I introduced the Focusing Investments and Resources for a Safe Transition (FIRST) Act, legislation that enables states to establish Individual Development Accounts for youth aging out of foster care.

Over the years, I have hosted several foster youth interns in my Senate office through programs sponsored by the Orphan Foundation of America and the Congressional Coalition on Adoption Institute. I know firsthand that these individuals have extraordinary talent and potential, and have seen many of them go on to graduate school, law school, and the workforce; flourished by the experience. Without meaningful connections to employment, however, many foster youth will experience obstacles to building successful, independent lives. I encourage my colleagues to participate in the various internship programs that bring these young and talented individuals to work in the Congress and it is my hope that my colleagues will join me in expressing the Senate's support for foster youth as these young adults strive toward bright futures.

SENATE RESOLUTION 631—EXPRESSING THE SENSE OF THE SENATE THAT THE SENATE HAS LOST CONFIDENCE IN THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, STEPHEN L. JOHNSON, THAT THE ADMINISTRATOR SHOULD RESIGN HIS POSITION IMMEDIATELY, AND THAT THE DEPARTMENT OF JUSTICE SHOULD OPEN AN INVESTIGATION INTO THE VERACITY OF HIS CONGRESSIONAL TESTIMONY REGARDING THE CALIFORNIA WAIVER DECISION AND PURSUE ANY PROSECUTORIAL ACTION THE DEPARTMENT DETERMINES TO BE WARRANTED

Mrs. BOXER (for herself, Mr. WHITEHOUSE, Mr. LAUTENBERG, Ms. KLOBUCHAR, and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 631

Whereas, for most of its nearly 4-decade history, people of the United States could look to the Environmental Protection Agency for independent leadership, grounded in science and the rule of law, with a sole mission to protect our health and our environment;

Whereas, since Stephen L. Johnson was sworn in as Administrator, the Environmental Protection Agency has failed to carry out its mission, and has issued decision after decision that fails to adequately protect public health and the environment;

Whereas, on the issue of pollution from ozone, the Environmental Protection Agency under Administrator Johnson rejected the recommendations of agency scientists, public health officials, and the agency's own scientific advisory committees, and instead established an ozone standard that fails to protect the public, especially children and the elderly, from the harmful effects of ozone pollution, such as lung disease and asthma;

Whereas, on the issue of pollution from soot, known as ''particulate matter'', Administrator Johnson bowed to pressure from industry and failed to strengthen an outdated standard limiting the annual average levels of soot pollution, despite calls from the agency's own scientific advisory committees and health and medical experts to strengthen that standard to protect public health;

Whereas, on the issue of pollution from lead, Administrator Johnson failed to heed the Environmental Protection Agency's own scientists and proposed a standard that would leave children in harm's way;

Whereas, on the issue of the Toxic Release Inventory, the Agency's decision to weaken the community right-to-know rules for toxic chemicals used and released in communities across the country will quadruple the quantity of toxic pollutants that companies can release before the companies are required to provide to the public detailed information about the releases;

Whereas the Environmental Protection Agency went forward with those changes to the Toxic Release Inventory despite objections from 23 State agencies and attorneys general, and despite concerns raised by the Agency's own science advisory board;

Whereas, on the issue of the toxin perchlorate, the Environmental Protection Agency promulgated a rule revoking the requirement for testing of tap water for perchlorate, a contaminant that has been found in the drinking water of millions of people in 35 States, and which interferes with the thyroid and is especially risky to pregnant women and newborns, and as a result, people in the United States will lack up-to-date information on whether their tap water is contaminated with that toxin;

Whereas, on the issue of vehicle tailpipe emissions, Administrator Johnson denied a waiver that would have allowed California and up to 18 other States to enact strict restrictions on global warming pollution from automobiles, despite the reportedly unanimous recommendations of his professional staff in favor of granting the waiver at least in part, and finding that denying it would very likely be successfully challenged in court;

Whereas, on the issue of global warming pollution, in defiance of the Supreme Court's decision in Massachusetts v. E.P.A. (549 U.S. 497), Administrator Johnson has failed to take action after the Court's ruling that the Environmental Protection Agency has the authority, under the Clean Air Act (42 U.S.C. 7401 et seq.), to regulate greenhouse gas emissions that pollute our air, instead bowing to pressures from the Bush White House to punt the issue to the next administration;

Whereas, under Administrator Johnson, the Environmental Protection Agency has offered legal arguments for its insufficient standards that have provoked ridicule by the courts, which, for example, have accused the agency of employing the ''logic of the Queen of Hearts'' and living in ''a Humpty-Dumpty'' world in attempting to evade the intent of Congress and the clear meaning of the Clean Air Act (42 U.S.C. 7401 et seq.);

Whereas, Administrator Johnson has allowed the Environmental Protection Agency's scientific advisory panels to be infiltrated by the very industries they are meant to regulate and control, while at the same time removing from those panels without justification qualified scientists who opposed industry positions;

Whereas a report issued on April 23, 2008, by the Union of Concerned Scientists, entitled ''Interference at the EPA'', uncovered widespread political influence in the Environmental Protection Agency decisions, noting, for example, that 60 percent of the Environmental Protection Agency career scientists surveyed had personally experienced at least 1 incident of political interference during the past 5 years;

Whereas the Environmental Protection Agency under Administrator Johnson has altered administrative procedures of the agency to allow the White House Office of Management and Budget and Pentagon secret influence over agency decisionmaking, such as through the Integrated Risk Information System process, an action which the Government Accountability Office has found to be ''inconsistent with the principle of sound science that relies on, among other things, transparency'';

Whereas Administrator Johnson's response to widespread criticism that his agency is in crisis, and that he allows White House political operatives and polluting industries to dictate his decisions rather than the law and science, has been to label those who have raised those concerns, many of whom are dedicated career employees of his agency, as ''yammering critics'';

Whereas, in defiance of his charge under the Constitution of the United States, Administrator Johnson has personally and repeatedly refused to cooperate with Congress in its efforts to conduct regular oversight of the Executive branch, refusing to produce documents as part of legitimate oversight investigations, refusing to appear before committees of Congress, and, when he has appeared, refusing to answer questions in a forthright manner;

Whereas there is strong evidence to believe that Administrator Johnson, at a minimum, provided misleading and intentionally incomplete statements to congressional committees regarding the California waiver issue and, at worst, has given false testimony before those committees;

Whereas, for example, Administrator Johnson on numerous occasions testified before the Committee on Environment and Public Works of the Senate that he based his denial of the California waiver request on California's failure to meet the ''compelling and extraordinary'' circumstances criterion under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), and that he reached this decision independently;

Whereas, testimony by a former senior Environmental Protection Agency official, Jason Burnett, reveals that in fact Administrator Johnson had determined that California met the requirements for a waiver under that Act and had communicated his plan to partially grant the waiver to the Administration in a meeting at the White House, only to reverse course and deny the waiver after White House officials ''clearly articulated'' President Bush's ''policy preference'' for a single regulatory system, even though the Clean Air Act clearly contemplates a dual system in cases in which the statutory criteria for the waiver are met;

Whereas Mr. Burnett's testimony was that Administrator Johnson was prepared to grant the California waiver until it was ''clearly articulated'' to him that the President preferred a different approach;

Whereas Administrator Johnson's sworn testimony before the Committee on Environment and Public Works of the Senate appears to have been designed to mislead Congress and the people of the United States regarding the extent to which the White House intervened in the decision to deny the California waiver, despite the conclusion of career staff at the Environmental Protection Agency, and evidently of the Administrator himself, that the statutory criteria for granting the waiver under the Clean Air Act had been met; and

Whereas the Environmental Protection Agency is an agency in crisis and is in need of leadership dedicated to tackling the enormous public health and environmental issues faced by our country and our planet, in an independent manner that comports with science and the law and is immune from political interference: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate has lost confidence in the Administrator of the Environmental Protection Agency, Stephen L. Johnson;

(2) Administrator Johnson should resign his position immediately; and

(3) the Department of Justice should open an investigation into the veracity of his congressional testimony regarding the California waiver decision and to pursue any prosecutorial action the Department determines to be warranted.

SENATE CONCURRENT RESOLUTION 96—COMMEMORATING IRENA SENDLER, A WOMAN WHOSE BRAVERY SAVED THE LIVES OF THOUSANDS DURING THE HOLOCAUST AND REMEMBERING HER LEGACY OF COURAGE, SELFLESSNESS, AND HOPE.

Mr. REID (for Mr. OBAMA (for himself and Mr. SPECTER)) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 96

Whereas on May 12, 2008, Irena Sendler, a living example of social justice, died at the age of 98;

Whereas Irena Sendler repeatedly risked her life during the Holocaust to rescue over 2,500 Jewish children who lived in the Warsaw ghetto in Poland from Nazi extermination;

Whereas Irena Sendler was inspired by her father, a physician who treated poor Jewish patients, to dedicate her life to others;

Whereas Irena Sendler became an activist at the start of World War II, heading the clandestine group Zegota and driving an underground movement that provided safe passage for Jews from the Warsaw ghetto who faced disease, execution, or deportation to concentration camps;

Whereas Irena Sendler became 1 of the most successful workers within Zegota, taking charge of the children's division and using her senior position with the welfare department in Warsaw to gain access to and from the ghetto to build a network of allies to help ferry Jewish children from the Warsaw ghetto;

Whereas Irena Sendler was arrested by the Gestapo on October 20, 1943, tortured, and sentenced to death by firing squad;

Whereas Irena Sendler never revealed details of her contacts, escaped from Pawiak prison, and continued her invaluable work with Zegota;

Whereas in 1965, Irena Sendler was recognized as ''Righteous Among the Nations'' by the Yad Vashem Holocaust Memorial in Israel;

Whereas in 2006, Irena Sendler was nominated for the Nobel Peace Prize;

Whereas Irena Sendler was awarded the Order of the White Eagle, the highest civilian decoration in Poland;

Whereas ''Tzedek: The Righteous'', a documentary film, and ''Life in a Jar'', a play about the rescue efforts made by Irena Sendler, chronicle the life of Irena Sendler;

Whereas Irena Sendler, a woman who risked everything for the lives of others and whose bravery is unimaginable to many, expressed guilt for not being able to do more for the Jewish people; and

Whereas the story of Irena Sendler reminds citizens of the United States and the world community not only of the horrible cruelty at the time of the Holocaust, but also the incredible difference one person can make: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) mourns the loss of Irena Sendler, a woman whose bravery and heroic efforts saved over 2,500 Jewish children during the Holocaust;

(2) pays respect and extends condolences to the Sendler family;

(3) honors the legacy of courage, selflessness, and hope that Irena Sendler exhibited; and

(4) remembers the life and unwavering dedication to justice and human rights of Irena Sendler.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5250. Mr. DURBIN (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. DURBIN to the bill H.R. 4137, to amend and extend the Higher Education Act of 1965, and for other purposes.

SA 5251. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table.

SA 5252. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5253. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5250. Mr. DURBIN (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. DURBIN to the bill H.R. 4137, to amend and extend the Higher Education Act of 1965, and for other purposes; 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 ''Higher Education Amendments of 2007''.

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

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this Act or the amendments made by this Act, the

amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—GENERAL PROVISIONS

SEC. 101. ADDITIONAL DEFINITIONS.

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (13) through (20); respectively;

(2) by redesignating paragraphs (4) through (8) as paragraphs (7) through (11), respectively;

(3) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(4) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.'';

(5) by inserting after paragraph (2) (as redesignated by paragraph (3)) the following:

''(3) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 149, 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)), except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.'';

(6) by inserting after paragraph (5) (as redesignated by paragraph (3)) the following:

''(6) DISTANCE EDUCATION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses 1 or more of the technologies described in subparagraph (B)—

''(i) to deliver instruction to students who are separated from the instructor; and

''(ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.

''(B) INCLUSIONS.—For the purposes of subparagraph (A), the technologies used may include—

''(i) the Internet;

''(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

''(iii) audio conferencing; or

''(iv) video cassette, DVDs, and CD–ROMs, if the cassette, DVDs, and CD–ROMs are used in a course in conjunction with the technologies listed in clauses (i) through (iii).''; and

(7) by inserting after paragraph (11) (as redesignated by paragraph (2)) the following:

''(12) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.''.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking ''to the Committee on Appropriations'' and all that follows through ''House of Representatives'' and inserting ''to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees'';

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking ''House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources'' and inserting ''authorizing committees'';

(B) in the matter following paragraph (2) of subsection (g), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(C) in subsection (n)(4), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(5) in section 428A(c) (20 U.S.C. 1078–1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(B) in paragraph (3), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees''; and

(C) in paragraph (5), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(6) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking ''the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate'' and inserting ''either of the authorizing committees''; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(8) in section 439 (20 U.S.C. 1087–2)—

(A) in subsection (d)(1)(E)(iii), by striking ''advise the Chairman'' and all that follows through ''House of Representatives'' and inserting ''advise the members of the authorizing committees'';

(B) in subsection (r)—

(i) in paragraph (3), by striking ''inform the Chairman'' and all that follows through ''House of Representatives,'' and inserting ''inform the members of the authorizing committees'';

(ii) in paragraph (5)(B), by striking ''plan, to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''plan, to the members of the authorizing committees'';

(iii) in paragraph (6)(B)—

(I) by striking ''plan, to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''plan, to the members of the authorizing committees''; and

(II) by striking ''Chairmen and ranking minority members of such Committees'' and inserting ''members of the authorizing committees'';

(iv) in paragraph (8)(C), by striking ''implemented to the Chairman'' and all that follows through ''House of Representatives, and'' and inserting ''implemented to the members of the authorizing committees, and to''; and

(v) in the matter preceding subparagraph (A) of paragraph (10), by striking ''days to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''days to the members of the authorizing committees''; and

(C) in subsection (s)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees''; and

(ii) in subparagraph (B), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees'';

(9) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(10) in section 482(d) (20 U.S.C. 1089(d)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees'';

(11) in section 483(c) (20 U.S.C. 1090(c)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(12) in section 485 (20 U.S.C. 1092)—

(A) in subsection (f)(5)(A), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''; and

(B) in subsection (g)(4)(B), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(13) in section 486 (20 U.S.C. 1093)—

(A) in subsection (e), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in subsection (f)(3)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(14) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(15) in section 498B(d) (20 U.S.C. 1099c–2(d))—

(A) in paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and

the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in paragraph (2), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

SEC. 102. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)(3), by inserting '', or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to the review and approval by the Secretary'' after ''such a degree''; and

(2) by striking subsection (b)(2) and inserting the following:

''(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

SEC. 103. DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.

Section 102 (20 U.S.C. 1002) is amended—

(1) by striking subclause (II) of subsection (a)(2)(A)(i) and inserting the following:

''(II) the institution has or had a clinical training program that was approved by a State as of January 1, 1992, and has continuously operated a clinical training program in not less than 1 State that is approved by such State;'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by inserting ''and'' after the semicolon;

(ii) in subparagraph (E), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (F); and

(B) by striking paragraph (2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''; and

(3) by striking subsection (c)(2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution' also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

Section 112 (20 U.S.C. 1011a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''It is the sense''; and

(B) by adding at the end the following:

''(2) It is the sense of Congress that—

''(A) the diversity of institutions and educational missions is one of the key strengths of American higher education;

''(B) individual colleges and universities have different missions and each institution should design its academic program in accordance with its educational goals;

''(C) a college should facilitate the free and open exchange of ideas;

''(D) students should not be intimidated, harassed, discouraged from speaking out, or discriminated against;

''(E) students should be treated equally and fairly; and

''(F) nothing in this paragraph shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association.''; and

(2) in subsection (b)(1), by inserting '', provided that the imposition of such sanction is done objectively and fairly'' after ''higher education''.

SEC. 105. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:

''SEC. 114. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY COMMITTEE.

''(a) ESTABLISHMENT.—There is established in the Department an Accreditation and Institutional Quality and Integrity Advisory Committee (in this section referred to as the 'Committee') to assess the process of accreditation and the institutional eligibility and certification of such institutions under title IV.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall have 15 members, of which—

''(A) 5 members shall be appointed by the Secretary;

''(B) 5 members shall be appointed by the Speaker of the House of Representatives upon the recommendation of the majority leader and minority leader of the House of Representatives; and

''(C) 5 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and minority leader of the Senate.

''(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee on—

''(A) the basis of the individuals' experience, integrity, impartiality, and good judgment;

''(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representatives of all sectors and types of institutions of higher education (as defined in section 102); and

''(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

''(3) TERMS OF MEMBERS.—The term of office of each member of the Committee shall be for 6 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

''(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurred. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

''(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—

''(A) 2 years for members appointed under paragraph (1)(A);

''(B) 4 years for members appointed under paragraph (1)(B); and

''(C) 6 years for members appointed under paragraph (1)(C).

''(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.

''(c) FUNCTIONS.—The Committee shall—

''(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;

''(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

''(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

''(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process;

''(5) advise the Secretary with respect to the relationship between—

''(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

''(B) State licensing responsibilities with respect to such institutions; and

''(6) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe in regulation.

''(d) MEETING PROCEDURES.—

''(1) SCHEDULE.—

''(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.

''(B) PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

''(2) AGENDA.—

''(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

''(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.

''(3) SECRETARY'S DESIGNEE.—

''(A) ATTENDANCE AT MEETING.—The Chairperson shall invite the Secretary's designee to attend all meetings of the Committee.

''(B) ROLE OF DESIGNEE.—The Secretary's designee may be present at a Committee meeting to facilitate the exchange and free flow of information between the Secretary and the Committee. The designee shall have no authority over the agenda of the meeting, the items on that agenda, or on the resolution of any agenda item.

''(4) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

''(e) REPORT AND NOTICE.—

''(1) NOTICE.—The Secretary shall annually publish in the Federal Register—

''(A) a list containing, for each member of the Committee—

''(i) the member's name;

''(ii) the date of the expiration of the member's term of office; and

''(iii) the individual described in subsection (b)(1) who appointed the member; and

''(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

''(2) REPORT.—Not later than September 30 of each year, the Committee shall make an

annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

''(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the preceding fiscal year;

''(B) a list of the date and location of each meeting during the preceding fiscal year;

''(C) a list of the members of the Committee and appropriate contact information; and

''(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

''(f) TERMINATION.—The Committee shall terminate on September 30, 2012.''.

(b) TERMINATION OF NACIQI.—The National Advisory Committee on Institutional Quality and Integrity, established under section 114 of the Higher Education Act of 1965 (as such section was in effect the day before the date of enactment of this Act) shall terminate 30 days after such date.

SEC. 106. DRUG AND ALCOHOL ABUSE PREVENTION.

Section 120(a)(2) (20 U.S.C. 1011i(a)(2)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting after subparagraph (A) (as amended by paragraph (1)) the following:

''(B) determine the number of drug and alcohol-related incidents and fatalities that—

''(i) occur on the institution's property or as part of any of the institution's activities; and

''(ii) are reported to the institution;

''(C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's property or as part of any of the institution's activities; and''.

SEC. 107. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2008 and for each succeeding fiscal year''; and

(2) in paragraph (2), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2008 and for each succeeding fiscal year''.

SEC. 108. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following:

''SEC. 132. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

''(a) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees paid by a full-time undergraduate student at an institution of higher education, after discounts and grants from the institution, Federal Government, or a State have been applied to the full price of tuition and fees at the institution.

''(b) HIGHER EDUCATION PRICE INDEX.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Commission of the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop higher education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions listed in paragraph (2). Such indices shall be updated annually.

''(2) DEVELOPMENT.—The higher education price index under paragraph (1) shall be developed for each of the following categories:

''(A) 4-year public degree-granting institutions of higher education.

''(B) 4-year private degree-granting institutions of higher education.

''(C) 2-year public degree-granting institutions of higher education.

''(D) 2-year private degree-granting institutions of higher education.

''(E) Less than 2-year institutions of higher education.

''(F) All types of institutions described in subparagraphs (A) through (E).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(c) REPORTING.—

''(1) IN GENERAL.—The Secretary shall annually report, in a national list and in a list for each State, a ranking of institutions of higher education according to such institutions' change in tuition and fees over the preceding 2 years. The purpose of such lists is to provide consumers with general information on pricing trends among institutions of higher education nationally and in each State.

''(2) COMPILATION.—

''(A) IN GENERAL.—The lists described in paragraph (1) shall be compiled according to the following categories:

''(i) 4-year public institutions of higher education.

''(ii) 4-year private, nonprofit institutions of higher education.

''(iii) 4-year private, for-profit institutions of higher education.

''(iv) 2-year public institutions of higher education.

''(v) 2-year private, nonprofit institutions of higher education.

''(vi) 2-year private, for-profit institutions of higher education.

''(vii) Less than 2-year public institutions of higher education.

''(viii) Less than 2-year private, nonprofit institutions of higher education.

''(ix) Less than 2-year private, for-profit institutions of higher education.

''(B) PERCENTAGE AND DOLLAR CHANGE.—The lists described in paragraph (1) shall include 2 lists for each of the categories under subparagraph (A) as follows:

''(i) 1 list in which data is compiled by percentage change in tuition and fees over the preceding 2 years.

''(ii) 1 list in which data is compiled by dollar change in tuition and fees over the preceding 2 years.

''(3) HIGHER EDUCATION PRICE INCREASE WATCH LISTS.—Upon completion of the development of the higher education price indices described in paragraph (1), the Secretary shall annually report, in a national list, and in a list for each State, a ranking of each institution of higher education whose tuition and fees outpace such institution's applicable higher education price index described in subsection (b). Such lists shall—

''(A) be known as the 'Higher Education Price Increase Watch Lists';

''(B) report the full price of tuition and fees at the institution and the net price;

''(C) where applicable, report the average price of room and board for students living on campus at the institution, except that such price shall not be used in determining whether an institution's cost outpaces such institution's applicable higher education price index; and

''(D) be compiled by the Secretary in a public document to be widely published and disseminated in paper form and through the website of the Department.

''(4) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report, in charts for each State—

''(A) a comparison of the percentage change in State appropriations per enrolled student in a public institution of higher education in the State to the percentage change in tuition and fees for each public institution of higher education in the State for each of the previous 5 years; and

''(B) the total amount of need-based and merit-based aid provided by the State to students enrolled in a public institution of higher education in the State.

''(5) SHARING OF INFORMATION.—The Secretary shall share the information under paragraphs (1) through (4) with the public, including with private sector college guidebook publishers.

''(d) NET PRICE CALCULATOR.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall, in consultation with institutions of higher education, develop and make several model net price calculators to help students, families, and consumers determine the net price of an institution of higher education, which institutions of higher education may, at their discretion, elect to use pursuant to paragraph (3).

''(2) CATEGORIES.—The model net price calculators described in paragraph (1) shall be developed for each of the following categories:

''(A) 4-year public institutions of higher education.

''(B) 4-year private, nonprofit institutions of higher education.

''(C) 4-year private, for-profit institutions of higher education.

''(D) 2-year public institutions of higher education.

''(E) 2-year private, nonprofit institutions of higher education.

''(F) 2-year private, for-profit institutions of higher education.

''(G) Less than 2-year public institutions of higher education.

''(H) Less than 2-year private, nonprofit institutions of higher education.

''(I) Less than 2-year private, for-profit institutions of higher education.

''(3) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and use a net price calculator to help students, families, and other consumers determine the net price of such institution of higher education. Such calculator may be—

''(A) based on a model calculator developed by the Department; or

''(B) developed by the institution of higher education.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(e) NET PRICE REPORTING IN APPLICATION INFORMATION.—An institution of higher education that receives Federal funds under this Act shall include, in the materials accompanying an application for admission to the institution, the most recent information regarding the net price of the institution, calculated for each quartile of students based on the income of either the students' parents or, in the case of independent students (as such term is described in section 480), of the students, for each of the 2 academic years preceding the academic year for which the application is produced.

''(f) ENHANCED COLLEGE INFORMATION WEBSITE.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated experience in the development of consumer-friendly websites to develop improvements to the website known as the College Opportunities On-Line (COOL) so that it better meets the needs of students, families, and consumers for accurate and appropriate information on institutions of higher education.

''(B) IMPLEMENTATIONS.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under subparagraph (A) to the college information website.

''(2) UNIVERSITY AND COLLEGE ACCOUNTABILITY NETWORK.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall develop a model document for annually reporting basic information about an institution of higher education that chooses to participate, to be posted on the college information website and made available to institutions of higher education, students, families, and other consumers. Such document shall be known as the 'University and College Accountability Network' (U-CAN), and shall include, the following information about the institution of higher education for the most recent academic year for which the institution has available data, presented in a consumer-friendly manner:

''(A) A statement of the institution's mission and specialties.

''(B) The total number of undergraduate students who applied, were admitted, and enrolled at the institution.

''(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

''(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

''(E) Percentage of male and female undergraduate students enrolled at the institution.

''(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.

''(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

''(H) Retention rates for full-time and part-time first-time first-year undergraduate students enrolled at the institution.

''(I) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

''(J) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5 and 6 years (in the case of 2 and 4-year institutions).

''(K) Number of students who obtained a certificate or an associate's, bachelor's, master's, or doctoral degree at the institution.

''(L) The undergraduate major areas of study with the highest number of degrees awarded.

''(M) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty at the institution.

''(N) Percentage of faculty at the institution with the highest degree in their field.

''(O) The percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the preceding 5 academic years.

''(P) The total average yearly cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

''(i) full-time undergraduate students living on campus;

''(ii) full-time undergraduate students living off-campus; and

''(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off-campus.

''(Q) The average yearly grant amount (including Federal, State, and institutional aid) for a student enrolled at the institution.

''(R) The average yearly amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

''(S) The total yearly grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

''(T) The percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

''(U) The average net price for all undergraduate students enrolled at the institution.

''(V) The percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

''(W) Information on the policies of the institution related to transfer of credit from other institutions.

''(X) Information on campus safety required to be collected under section 485(f).

''(Y) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

''(Z) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as internship opportunities, career and placement services, and preparation for further education.

''(3) CONSULTATION.—The Secretary shall ensure that current and prospective college students, family members of such students, and institutions of higher education are consulted in carrying out paragraphs (1) and (2).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(g) GAO REPORT.—The Comptroller General of the United States shall—

''(1) conduct a study on the time and cost burdens to institutions of higher education associated with completing the Integrated Postsecondary Education Data System (IPEDS), which study shall—

''(A) report on the time and cost burden of completing the IPEDS survey for 4-year, 2-year, and less than 2-year institutions of higher education; and

''(B) present recommendations for reducing such burden;

''(2) not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a preliminary report regarding the findings of the study described in paragraph (1); and

''(3) not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a final report regarding such findings.''.

SEC. 109. DATABASES OF STUDENT INFORMATION PROHIBITED.

Part C of title I (20 U.S.C. 1015), as amended by section 108, is further amended by adding at the end the following:

''SEC. 133. DATABASE OF STUDENT INFORMATION PROHIBITED.

''(a) PROHIBITION.—Except as described in (b), nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

''(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that is necessary for the operation of programs authorized by title II, IV, or VII that were in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the Higher Education Amendments of 2007.

''(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.''.

SEC. 110. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

Part C of title I (as amended by sections 108 and 109) is further amended by adding at the end the following:

''SEC. 134. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

''(a) PROMINENT DISPLAY.—The Secretary shall ensure that a link to current student financial aid information is displayed prominently on the home page of the Department website.

''(b) ENHANCED STUDENT FINANCIAL AID INFORMATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated expertise in the development of consumer-friendly websites to develop improvements to the usefulness and accessibility of the information provided by the Department on college financial planning and student financial aid.

''(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under paragraph (1) to the college financial planning and student financial aid website of the Department.

''(3) DISSEMINATION.—The Secretary shall make the availability of the information on the website widely known through a major media campaign and other forms of communication.''.

SEC. 110A. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

Part C of title I of the Higher Education Act of 1965 (as amended by this title) is further amended by adding at the end the following:

''SEC. 135. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist

not more than 5 States to develop State-level postsecondary student data systems to—

''(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

''(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State higher education system; or

''(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

''(c) COMPETITIVE GRANTS.—

''(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than 5 eligible entities to enable the eligible entities to—

''(A) design, test, and implement systems of postsecondary student data that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

''(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

''(2) DURATION.—A grant awarded under this section shall be for a period of not more than 3 years.

''(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines is necessary, including a description of—

''(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g); and

''(2) how the activities funded by the grant will be supported after the 3-year grant period.

''(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

''(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within States;

''(2) improve the capacity of institutions of higher education to analyze and use student data;

''(3) select and define common data elements, data quality, and other elements that will enable the data system to—

''(A) serve the needs of institutions of higher education for institutional research and improvement;

''(B) provide students and the students' families with useful information for decision-making about postsecondary education;

''(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

''(4) estimate costs and burdens at the institutional level for the reporting system for different types of institutions; and

''(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

''(f) EVALUATION; REPORTS.—Not later than 6 months after the end of the projects funded by grants awarded under this section, the Secretary shall—

''(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

''(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems to the authorizing committees.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 111. PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.

Section 141 (20 U.S.C. 1018) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''operational'' and inserting ''administrative and oversight''; and

(B) in paragraph (2)(D), by striking ''of the operational functions'' and inserting ''and administration'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''the information systems administered by the PBO, and other functions performed by the PBO'' and inserting ''the Federal student financial assistance programs authorized under title IV''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) assist the Chief Operating Officer in identifying goals for—

''(i) the administration of the systems used to administer the Federal student financial assistance programs authorized under title IV; and

''(ii) the updating of such systems to current technology.''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''administration of the information and financial systems that support'' and inserting ''the administration of Federal'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''of the delivery system for Federal student assistance'' and inserting ''for the Federal student assistance programs authorized under title IV'';

(II) by striking clauses (i) and (ii) and inserting the following:

''(i) the collection, processing, and transmission of data to students, institutions, lenders, State agencies, and other authorized parties;

''(ii) the design and technical specifications for software development and procurement for systems supporting the student financial assistance programs authorized under title IV;'';

(III) in clause (iii), by striking ''delivery'' and inserting ''administration'';

(IV) in clause (iv)—

(aa) by inserting ''the'' after ''supporting''; and

(bb) by striking ''and'' after the semicolon;

(V) in clause (v), by striking ''systems that support those programs.'' and inserting ''the administration of the Federal student assistance programs authorized under title IV; and''; and

(VI) by adding at the end the following:

''(vi) ensuring the integrity of the student assistance programs authorized under title IV.''; and

(iii) in subparagraph (B), by striking ''operations and services'' and inserting ''activities and functions''; and

(3) in subsection (c)—

(A) in the subsection heading, by striking ''PERFORMANCE PLAN AND REPORT'' and inserting ''PERFORMANCE PLAN, REPORT, AND BRIEFING'';

(B) in paragraph (1)(C)—

(i) in clause (iii), by striking ''information and delivery''; and

(ii) in clause (iv)—

(I) by striking ''Developing an'' and inserting ''Developing''; and

(II) by striking ''delivery and information system'' and inserting ''systems'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''the'' after ''PBO and''; and

(ii) in subparagraph (B), by striking ''Officer'' and inserting ''Officers'';

(D) in paragraph (3), by inserting ''students,'' after ''consult with''; and

(E) by adding at the end the following:

''(4) BRIEFING ON ENFORCEMENT OF STUDENT LOAN PROVISIONS.—The Chief Operating Officer shall provide an annual briefing to the members of the authorizing committees on the steps the PBO has taken and is taking to ensure that lenders are providing the information required under clauses (iii) and (iv) of section 428(c)(3)(C) and sections 428(b)(1)(Z) and 428C(b)(1)(F).'';

(4) in subsection (d)—

(A) in paragraph (1), by striking the second sentence; and

(B) in paragraph (5)—

(i) in subparagraph (B), by striking ''paragraph (2)'' and inserting ''paragraph (4)''; and

(ii) in subparagraph (C), by striking ''this'';

(5) in subsection (f)—

(A) in paragraph (2), by striking ''to borrowers'' and inserting ''to students, borrowers,''; and

(B) in paragraph (3)(A), by striking ''(1)(A)'' and inserting ''(1)'';

(6) in subsection (g)(3), by striking ''not more than 25'';

(7) in subsection (h), by striking ''organizational effectiveness'' and inserting ''effectiveness'';

(8) by striking subsection (i);

(9) by redesignating subsection (j) as subsection (i); and

(10) in subsection (i) (as redesignated by paragraph (9)), by striking '', including transition costs''.

SEC. 112. PROCUREMENT FLEXIBILITY.

Section 142 (20 U.S.C. 1018a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''for information systems supporting the programs authorized under title IV''; and

(ii) by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) through the Chief Operating Officer—

''(A) to the maximum extent practicable, utilize procurement systems that streamline operations, improve internal controls, and enhance management; and

''(B) assess the efficiency of such systems and assess such systems' ability to meet PBO requirements.'';

(2) by striking subsection (c)(2) and inserting the following:

''(2) FEE FOR SERVICE ARRANGEMENTS.—The Chief Operating Officer shall, when appropriate and consistent with the purposes of the PBO, acquire services related to the functions set forth in section 141(b)(2) from any entity that has the capability and capacity to meet the requirements set by the PBO.

The Chief Operating Officer is authorized to pay fees that are equivalent to those paid by other entities to an organization that provides services that meet the requirements of the PBO, as determined by the Chief Operating Officer.'';

(3) in subsection (d)(2)(B), by striking ''on Federal Government contracts'';

(4) in subsection (g)—

(A) in paragraph (4)(A)—

(i) in the subparagraph heading, by striking ''SOLE SOURCE.—'' and inserting ''SINGLE-SOURCE BASIS.—''; and

(ii) by striking ''sole-source'' and inserting ''single-source''; and

(B) in paragraph (7), by striking ''sole-source'' and inserting ''single-source'';

(5) in subsection (h)(2)(A), by striking ''sole-source'' and inserting ''single-source''; and

(6) in subsection (l), by striking paragraph (3) and inserting the following:

''(3) SINGLE-SOURCE BASIS.—The term 'single-source basis', with respect to an award of a contract, means that the contract is awarded to a source after soliciting an offer or offers from, and negotiating with, only such source (although such source is not the only source in the marketplace capable of meeting the need) because such source is the most advantageous source for purposes of the award.''.

SEC. 113. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

''SEC. 151. DEFINITIONS.

''In this part:

''(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472.

''(2) COVERED INSTITUTION.—The term 'covered institution'—

''(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102) and receives any Federal funding or assistance; and

''(B) includes any employee or agent of the educational institution or any organization or entity affiliated with, or directly or indirectly controlled by, such institution.

''(3) EDUCATIONAL LOAN.—The term 'educational loan' means any loan made, insured, or guaranteed under title IV.

''(4) EDUCATIONAL LOAN ARRANGEMENT.—The term 'educational loan arrangement' means an arrangement or agreement between a lender and a covered institution—

''(A) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

''(B) which arrangement or agreement—

''(i) relates to the covered institution recommending, promoting, endorsing, or using educational loans of the lender; and

''(ii) involves the payment of any fee or provision of other material benefit by the lender to the institution or to groups of students who attend the institution.

''(5) LENDER.—The term 'lender'—

''(A) means—

''(i) any lender—

''(I) of a loan made, insured, or guaranteed under part B of title IV; and

''(II) that is a financial institution, as such term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

''(ii) in the case of any loan issued or provided to a student under part D of title IV, the Secretary; and

''(B) includes any individual, group, or entity acting on behalf of the lender in connection with an educational loan.

''(6) OFFICER.—The term 'officer' includes a director or trustee of an institution.

''SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

''(a) USE OF LENDER NAME.—A covered institution that enters into an educational loan arrangement shall disclose the name of the lender in documentation related to the loan.

''(b) DISCLOSURES.—

''(1) DISCLOSURES BY LENDERS.—Before a lender issues or otherwise provides an educational loan to a student, the lender shall provide the student, in writing, with the disclosures described in paragraph (2).

''(2) DISCLOSURES.—The disclosures required by this paragraph shall include a clear and prominent statement—

''(A) of the interest rates of the educational loan being offered;

''(B) showing sample educational loan costs, disaggregated by type;

''(C) that describes, with respect to each type of educational loan being offered—

''(i) the types of repayment plans that are available;

''(ii) whether, and under what conditions, early repayment may be made without penalty;

''(iii) when and how often interest on the loan will be capitalized;

''(iv) the terms and conditions of deferments or forbearance;

''(v) all available repayment benefits, the percentage of all borrowers who qualify for such benefits, and the percentage of borrowers who received such benefits in the preceding academic year, for each type of loan being offered;

''(vi) the collection practices in the case of default; and

''(vii) all fees that the borrower may be charged, including late payment penalties and associated fees; and

''(D) of such other information as the Secretary may require in regulations.

''(c) DISCLOSURES TO THE SECRETARY BY LENDER.—

''(1) IN GENERAL.—Each lender shall, on an annual basis, report to the Secretary any reasonable expenses paid or given under section 435(d)(5)(D), 487(a)(21)(A)(ii), or 487(a)(21)(A)(iv) to any employee who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution. Such reports shall include—

''(A) the amount of each specific instance in which the lender provided such reimbursement;

''(B) the name of the financial aid official or other employee to whom the reimbursement was made;

''(C) the dates of the activity for which the reimbursement was made; and

''(D) a brief description of the activity for which the reimbursement was made.

''(2) REPORT TO CONGRESS.—The Secretary shall compile the information in paragraph (1) in a report and transmit such report to the authorizing committees annually.

''SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

''(a) SECRETARY DUTIES.—

''(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall—

''(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

''(B) include in the report a model format, based on the report's findings, to be used by lenders and covered institutions in carrying out subsections (b) and (c)—

''(i) that provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loans provided to such students or parents by the lender, including—

''(I) the interest rate and terms and conditions of the loans offered by the lender for the upcoming academic year;

''(II) with respect to such loans, any benefits that are contingent on the repayment behavior of the borrower;

''(III) the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year;

''(IV) the average interest rate on such loans provided to such students for the preceding academic year; and

''(V) the amount that the borrower may repay in interest, based on the standard repayment period of a loan, on the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year; and

''(ii) which format shall be easily usable by lenders, institutions, guaranty agencies, loan servicers, parents, and students; and

''(C)(i) submit the report and model format to the authorizing committees; and

''(ii) make the report and model format available to covered institutions, lenders, and the public.

''(2) USE OF FORM.—The Secretary shall take such steps as necessary to make the model format available to covered institutions and to encourage—

''(A) lenders subject to subsection (b) to use the model format in providing the information required under subsection (b); and

''(B) covered institutions to use such format in preparing the information report under subsection (c).

''(b) LENDER DUTIES.—Each lender that has an educational loan arrangement with a covered institution shall annually, by a date determined by the Secretary, provide to the covered institution and to the Secretary the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students, for the preceding academic year.

''(c) COVERED INSTITUTION DUTIES.—Each covered institution shall—

''(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has an educational loan arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

''(A) the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

''(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

''(2) ensure that the report required under paragraph (1) is made available to the public

and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.''.

SEC. 114. EMPLOYMENT OF POSTSECONDARY EDUCATION GRADUATES.

(a) STUDY, ASSESSMENTS, AND RECOMMENDATIONS.—The Comptroller General of the United States shall—

(1) conduct a study of—

(A) the information that States currently have on the employment of students who have completed postsecondary education programs;

(B) the feasibility of collecting information on students who complete all types of postsecondary education programs (including 2- and 4-year degree, certificate, and professional and graduate programs) at all types of institutions (including public, private nonprofit, and for–profit schools), regarding—

(i) employment, including—

(I) the type of job obtained not later than 6 months after the completion of the degree, certificate, or program;

(II) whether such job was related to the course of study;

(III) the starting salary for such job; and

(IV) the student's satisfaction with the student's preparation for such job and guidance provided with respect to securing the job; and

(ii) for recipients of Federal student aid, the type of assistance received, so that the information can be used to evaluate various education programs;

(C) the evaluation systems used by other industries to identify successful programs and challenges, set priorities, monitor performance, and make improvements;

(D) the best means of collecting information from or regarding recent postsecondary graduates, including—

(i) whether a national website would be the most effective way to collect information;

(ii) whether postsecondary graduates could be encouraged to submit voluntary information by allowing a graduate to access aggregated information about other graduates (such as graduates from the graduate's school, with the graduate's degree, or in the graduate's area) if the graduate completes an online questionnaire;

(iii) whether employers could be encouraged to submit information by allowing an employer to access aggregated information about graduates (such as institutions of higher education attended, degrees, or starting pay) if the employer completes an online questionnaire to evaluate the employer's satisfaction with the graduates the employer hires; and

(iv) whether postsecondary institutions that receive Federal funds or whose students have received Federal student financial aid could be required to submit aggregated information about the graduates of the institutions; and

(E) the best means of displaying employment information; and

(2) provide assessments and recommendations regarding—

(A) whether successful State cooperative relationships between higher education system offices and State agencies responsible for employment statistics can be encouraged and replicated in other States;

(B) whether there is value in collecting additional information from or about the employment experience of individuals who have recently completed a postsecondary educational program;

(C) what are the most promising ways of obtaining and displaying or disseminating such information;

(D) if a website is used for such information, whether the website should be run by a governmental agency or contracted out to an independent education or employment organization;

(E) whether a voluntary information system would work, both from the graduates' and employers' perspectives;

(F) the value of such information to future students, institutions, accrediting agencies or associations, policymakers, and employers, including how the information would be used and the practical applications of the information;

(G) whether the request for such information is duplicative of information that is already being collected; and

(H) whether the National Postsecondary Student Aid Survey conducted by the National Center for Education Statistics could be amended to collect such information.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a preliminary report regarding the study, assessments, and recommendations described in subsection (a).

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a final report regarding such study, assessments, and recommendations.

SEC. 115. FOREIGN MEDICAL SCHOOLS.

(a) PERCENTAGE PASS RATE.—

(1) IN GENERAL.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking ''60'' and inserting ''75''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2010.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States; and

(B) submit to Congress a report setting forth the conclusions of the study.

(2) CONTENTS.—The study conducted under this subsection shall include the following:

(A) The amount of Federal student financial aid dollars that are being spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(B) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates the first time.

(C) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates after taking such examinations multiple times, disaggregated by how many times the students had to take the examinations to pass.

(D) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(E) The rate of graduates of such medical schools who lose malpractice lawsuits or have the graduates' medical licenses revoked, as compared to graduates of graduate medical schools located in the United States.

(F) Recommendations regarding the percentage passing rate of the examinations administered by the Educational Commission for Foreign Medical Graduates that the United States should require of graduate medical schools located outside of the United States for Federal financial aid purposes.

SEC. 116. DEMONSTRATION AND CERTIFICATION REGARDING THE USE OF CERTAIN FEDERAL FUNDS.

(a) PROHIBITION.—No Federal funds received by an institution of higher education or other postsecondary educational institution may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in subsection (b).

(b) APPLICABILITY.—The prohibition in subsection (a) applies with respect to the following Federal actions:

(1) The awarding of any Federal contract.

(2) The making of any Federal grant.

(3) The making of any Federal loan.

(4) The entering into of any Federal cooperative agreement.

(5) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(c) LOBBYING AND EARMARKS.—No Federal student aid funding may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

(d) DEMONSTRATION AND CERTIFICATION.—Each institution of higher education or other postsecondary educational institution receiving Federal funding, as a condition for receiving such funding, shall annually demonstrate and certify to the Secretary of Education that the requirements of subsections (a) through (c) have been met.

(e) ACTIONS TO IMPLEMENT AND ENFORCE.—The Secretary of Education shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY PARTNERSHIP GRANTS.

Part A of title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

''PART A—TEACHER QUALITY PARTNERSHIP GRANTS

''SEC. 201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

''(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

''(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

''(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

''(B) a State licensed or regulated child care program or school; or

''(C) a State prekindergarten program that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and pre-numeracy), social, emotional, and physical development.

''(5) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

''(6) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(7) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a high-need local educational agency;

''(ii) a high-need school or a consortium of high-need schools served by the high-need local educational agency or, as applicable, a high-need early childhood education program;

''(iii) a partner institution;

''(iv) a school, department, or program of education within such partner institution; and

''(v) a school or department of arts and sciences within such partner institution; and

''(B) may include any of the following:

''(i) The Governor of the State.

''(ii) The State educational agency.

''(iii) The State board of education.

''(iv) The State agency for higher education.

''(v) A business.

''(vi) A public or private nonprofit educational organization.

''(vii) An educational service agency.

''(viii) A teacher organization.

''(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

''(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

''(xi) A school or department within the partner institution that focuses on psychology and human development.

''(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

''(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

''(9) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(10) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

''(11) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

''(ii) that serves not fewer than 10,000 children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

''(12) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or public secondary school that—

''(A) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line; or

''(B) is designated with a school locale code of 6, 7, or 8, as determined by the Secretary.

''(13) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

''(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

''(B) with—

''(i) a baccalaureate degree in an academic major in the arts and sciences; or

''(ii) an associate's degree in a related educational area; and

''(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

''(14) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

''(15) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

''(A) High-quality teacher mentoring.

''(B) Periodic, structured time for collaboration with teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

''(C) The application of empirically based practice and scientifically valid research on instructional practices.

''(D) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

''(E) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

''(F) Faculty who—

''(i) model the integration of research and practice in the classroom; and

''(ii) assist new teachers with the effective use and integration of technology in the classroom.

''(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

''(H) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

''(I) Regular evaluation of the new teacher.

''(16) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(17) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

''(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 205(b); and

''(II) using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter; or

''(B) that requires—

''(i) each student in the program to meet high academic standards and participate in intensive clinical experience;

''(ii) each student in the program preparing to become a teacher to become highly qualified; and

''(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

''(18) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term 'principles of scientific research' means research that—

''(A) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

''(B) presents findings and makes claims that are appropriate to and supported by the methods that have been employed; and

''(C) includes, appropriate to the research being conducted—

''(i) use of systematic, empirical methods that draw on observation or experiment;

''(ii) use of data analyses that are adequate to support the general findings;

''(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

''(iv) claims of causal relationships only in research designs that substantially eliminate plausible competing explanations for the obtained results, which may include but shall not be limited to random-assignment experiments;

''(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

''(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

''(vii) use of research designs and methods appropriate to the research question posed.

''(19) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(20) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

''(21) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a new or established program that—

''(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

''(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction;

''(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

''(D) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

''(E) promotes empirically based practice of, and scientifically valid research on, where applicable—

''(i) teaching and learning;

''(ii) assessment of student learning;

''(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

''(iv) the improvement of the mentees' capacity to measurably advance student learning; and

''(F) includes—

''(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

''(ii) joint professional development opportunities.

''(22) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

''(A) increase student learning, achievement, and the ability to apply knowledge;

''(B) effectively convey and explain academic subject matter;

''(C) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically based practice and scientifically valid research, where applicable, on teaching and learning;

''(ii) are specific to academic subject matter; and

''(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(D) conduct an ongoing assessment of student learning, 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;

''(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- and developmentally-appropriate strategies and practices for children in early education programs.

''(23) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for 1 academic year, teaches alongside a mentor teacher, who is the teacher of record;

''(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

''(C) acquires effective teaching skills; and

''(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

''SEC. 202. PARTNERSHIP GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 208, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

''(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a needs assessment of all the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention, of general and special education teachers, principals, and, as applicable, early childhood educators;

''(2) a description of the extent to which the program prepares prospective and new teachers with strong teaching skills;

''(3) a description of the extent to which the program will prepare prospective and new teachers to understand research and data and the applicability of research and data in the classroom;

''(4) a description of how the partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

''(5) a resource assessment that describes the resources available to the partnership, including—

''(A) the integration of funds from other related sources;

''(B) the intended use of the grant funds;

''(C) the commitment of the resources of the partnership to the activities assisted under this section, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends;

''(6) a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) or (e) based on the needs identified in paragraph (1), with the goal of improving student achievement;

''(C) the partnership's evaluation plan under section 204(a);

''(D) how the partnership will align the teacher preparation program with the—

''(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

''(ii) the student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

''(E) how faculty at the partner institution will work with, during the term of the grant, highly qualified teachers in the classrooms of schools served by the high-need local educational agency in the partnership to provide high-quality professional development activities;

''(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching teaching preservice clinical program component;

''(G) the in-service professional development strategies and activities to be supported; and

''(H) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

''(7) with respect to the induction program required as part of the activities carried out under this section—

''(A) a demonstration that the schools and departments within the institution of higher education that are part of the induction program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in teaching;

''(B) a demonstration of the partnership's capability and commitment to the use of empirically based practice and scientifically valid research on teaching and learning, and the accessibility to and involvement of faculty;

''(C) a description of how the teacher preparation program will design and implement an induction program to support all new teachers through not less than the first 2 years of teaching in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers; and

''(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

''(c) REQUIRED USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), or both such programs.

''(d) PARTNERSHIP GRANTS FOR PRE-BACCALAUREATE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

''(1) REFORMS.—

''(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each

teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

''(i) preparing—

''(I) current or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

''(II) such teachers and, as applicable, early childhood educators, to understand empirically based practice and scientifically valid research on teaching and learning and its applicability, and to use technology effectively, including the use of instructional techniques to improve student achievement; and

''(III) as applicable, early childhood educators to be highly competent; and

''(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

''(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

''(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

''(ii) using empirically based practice and scientifically valid research, where applicable, about the disciplines of teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

''(I) can understand and implement research-based teaching practices in classroom-based instruction;

''(II) have knowledge of student learning methods;

''(III) possess skills to analyze student academic achievement data and other measures of student learning and use such data and measures to improve instruction in the classroom;

''(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable the teachers and early childhood educators to—

''(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

''(bb) differentiate instruction for such students; and

''(V) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

''(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that new teachers receive training in both teaching and relevant content areas in order to become highly qualified;

''(iv) developing and implementing an induction program; and

''(v) developing admissions goals and priorities with the hiring objectives of the high-need local educational agency in the eligible partnership.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality pre-service clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

''(A) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

''(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

''(ii) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

''(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas.

''(C) Provide high-quality teacher mentoring.

''(D)(i) Be offered over the course of a program of teacher preparation;

''(ii) be tightly aligned with course work (and may be developed as a 5th year of a teacher preparation program); and

''(iii) where feasible, allow prospective teachers to learn to teach in the same school district in which the teachers will work, learning the instructional initiatives and curriculum of that district.

''(E) Provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1) or (2), and for those who serve as mentors for such teachers, based on each individual's experience. Such support may include—

''(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

''(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

''(iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or merit or performance-based pay.

''(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers, or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

''(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

''(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership.

''(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

''(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

''(B) Modifying staffing procedures to provide greater flexibility for local educational agency and school leaders to establish effective school-level staffing in order to facilitate placement of graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

''(C) Ensuring that teaching residents that participated in the teaching residency program receive—

''(i) effective preservice preparation as described in paragraph (2);

''(ii) teacher mentoring;

''(iii) induction through the induction program as the teaching residents enter the classroom as new teachers; and

''(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

''(2) TEACHING RESIDENCY PROGRAMS.—

''(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

''(i) The integration of pedagogy, classroom practice, and teacher mentoring.

''(ii) Engagement of teaching residents in rigorous graduate-level coursework to earn a master's degree while undertaking a guided teaching apprenticeship.

''(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

''(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with coursework;

''(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for novice teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

''(III) who may have full relief from teaching duties as a result of such additional responsibilities.

''(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on observations of such domains of teaching as the following:

''(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative assessments to improve student learning.

''(II) Appropriate instruction that engages students with different learning styles.

''(III) Collaboration with colleagues to improve instruction.

''(IV) Analysis of gains in student learning, based on multiple measures, that, when feasible, may include valid and reliable objective measures of the influence of teachers on the rate of student academic progress.

''(V) In the case of mentor candidates who will be mentoring current or future literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

''(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

''(vi) The development of admissions goals and priorities aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of the agency, in exchange for a commitment by the agency to hire graduates from the teaching residency program.

''(vii) Support for residents, once the teaching residents are hired as teachers of

record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.

''(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

''(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this paragraph, an individual shall—

''(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

''(II) submit an application to the teaching residency program.

''(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subparagraph shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

''(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

''(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

''(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

''(C) STIPEND AND SERVICE REQUIREMENT.—

''(i) STIPEND.—A teaching residency program under this paragraph shall provide a 1-year living stipend or salary to teaching residents during the 1-year teaching residency program.

''(ii) SERVICE REQUIREMENT.—As a condition of receiving a stipend under this subparagraph, a teaching resident shall agree to teach in a high-need school served by the high-need local educational agency in the eligible partnership for a period of 3 or more years after completing the 1-year teaching residency program.

''(iii) REPAYMENT.—If a teaching resident who received a stipend under this subparagraph does not complete the service requirement described in clause (ii), such individual shall repay to the high-need local educational agency a pro rata portion of the stipend amount for the amount of teaching time that the individual did not complete.

''(f) ALLOWABLE USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part may use grant funds provided to carry out the activities described in subsections (d) and (e) to partner with a television public broadcast station, as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6)), for the purpose of improving the quality of pre-baccalaureate teacher preparation programs. The partnership may use such funds to enhance the quality of pre-service training for prospective teachers, including through the use of digital educational content and related services.

''(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 under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

''SEC. 203. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

''(1) DURATION.—A grant awarded under this part shall be awarded for a period of 5 years.

''(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall give priority—

''(A) to applications from broad-based eligible partnerships that involve businesses and community organizations; and

''(B) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining the grant amount, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

''(c) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership, if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

''SEC. 204. ACCOUNTABILITY AND EVALUATION.

''(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish and include in such application, an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—

''(1) student achievement for all students as measured by the eligible partnership;

''(2) teacher retention in the first 3 years of a teacher's career;

''(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

''(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

''(B) the percentage of such teachers who are members of under represented groups;

''(C) the percentage of such teachers who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

''(D) the percentage of such teachers who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

''(E) the percentage of such teachers in high-need schools, disaggregated by the elementary, middle, and high school levels; and

''(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent.

''(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, and faculty and leadership at institutions of higher education located in the geographic areas served by the eligible partnership under this part are provided information about the activities carried out with funds under this part, including through electronic means.

''(c) REVOCATION OF GRANT.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, of the grant by the end of the third year of a grant under this part, then the Secretary shall require such eligible partnership to submit a revised application that identifies the steps the partnership will take to make substantial progress to meet the purposes, goals, objectives, and measures, as appropriate, of this part.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the authorizing committees. The Secretary shall broadly disseminate—

''(1) successful practices developed by eligible partnerships under this part; and

''(2) information regarding such practices that were found to be ineffective.

''SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure

program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional teacher preparation programs and alternative routes to State certification or licensure programs, the following information:

''(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—

''(i) the percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all such students who passed each such assessment;

''(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State;

''(iv) the average scaled score for all students who took each such assessment;

''(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

''(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

''(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

''(C) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 207(a).

''(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).

''(3) FINES.—The Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

''(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

''(A) A description of reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(B) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.

''(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and State early learning standards for early childhood education programs.

''(D) For each of the assessments used by the State for teacher certification or licensure—

''(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and

''(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State.

''(E) A description of alternative routes to State certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

''(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and

''(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.

''(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

''(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), the average number of hours of supervised clinical experience required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

''(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

''(i) area of certification or licensure;

''(ii) academic major; and

''(iii) subject area for which the teacher has been prepared to teach.

''(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

''(J) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

''(c) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (J) of subsection (b)(1). Such report shall identify States for which eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to Congress that contains the following:

''(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

''(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

''(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(d) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''SEC. 205A. TEACHER DEVELOPMENT.

''(a) ANNUAL GOALS.—As a condition of receiving assistance under title IV, each institution of higher education that conducts a

traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall set annual quantifiable goals for—

''(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary, including mathematics, science, special education, and instruction of limited English proficient students; and

''(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

''(b) ASSURANCE.—As a condition of receiving assistance under title IV, each institution described in subsection (a) shall provide an assurance to the Secretary that—

''(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

''(2) prospective special education teachers receive coursework in core academic subjects and receive training in providing instruction in core academic subjects;

''(3) regular education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

''(4) prospective teachers receive training on how to effectively teach in urban and rural schools.

''(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

''SEC. 206. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part. Such assessment shall be described in the report under section 205(b).

''(b) TERMINATION OF ELIGIBILITY.—Any program of teacher preparation from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department;

''(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and

''(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

''(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

''(d) APPLICATION OF THE REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

''SEC. 207. GENERAL PROVISIONS.

''(a) METHODS.—In complying with sections 205 and 206, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

''(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965 and in accordance with the State plan submitted or revised under section 1111 of such Act, and that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act,—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

''(c) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

''(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

''(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

''(B) is possessed, controlled, or accessible by the State educational agency.

''(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

''(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

''(B) may include—

''(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

''(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

''SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 202. GENERAL PROVISIONS.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

''PART C—GENERAL PROVISIONS

''SEC. 231. LIMITATIONS.

''(a) FEDERAL CONTROL PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this title.

''(b) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this title shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

''(c) NATIONAL SYSTEM OF TEACHER CERTIFICATION OR LICENSURE PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification or licensure.''.

TITLE III—INSTITUTIONAL AID

SEC. 301. PROGRAM PURPOSE.

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''351'' and inserting ''391''; and

(B) in paragraph (3)(F), by inserting '', including services that will assist in the education of special populations'' before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting '', including innovative, customized, remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.'';

(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''; and

(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking ''subsection (c)'' and inserting ''subsection (b) and section 391''.

SEC. 302. DEFINITIONS; ELIGIBILITY.

Section 312 (20 U.S.C. 1058) is amended—

(1) in subsection (b)(1)(A), by striking ''subsection (c) of this section'' and inserting ''subsection (d)''; and

(2) in subsection (d)(2), by striking ''subdivision'' and inserting ''paragraph''.

SEC. 303. AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

Section 316 (20 U.S.C. 1059c) is amended—

(1) by striking subsection (b)(3) and inserting the following:

''(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution that—

''(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a note); or

''(B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).'';

(2) in subsection (c)(2)—

(A) in subparagraph (B), by inserting before the semicolon at the end the following: ''and the acquisition of real property adjacent to the campus of the institution'';

(B) by redesignating subparagraphs (G), (H), (I), (J), (K), and (L) as subparagraphs (H), (I), (J), (K), (L), and (N), respectively;

(C) by inserting after subparagraph (F) the following:

''(G) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;'';

(D) in subparagraph (L) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(E) by inserting after subparagraph (L) (as redesignated by subparagraph (B)) the following:

''(M) developing or improving facilities for Internet use or other distance education technologies; and''; and

(F) in subparagraph (N) (as redesignated by subparagraph (B)), by striking ''subparagraphs (A) through (K)'' and inserting ''subparagraphs (A) through (M)''; and

(3) by striking subsection (d) and inserting the following:

''(d) APPLICATION, PLAN, AND ALLOCATION.—

''(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

''(2) APPLICATION.—

''(A) IN GENERAL.—A Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

''(B) STREAMLINED PROCESS.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants.

''(3) ALLOCATIONS TO INSTITUTIONS.—

''(A) CONSTRUCTION GRANTS.—

''(i) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

''(ii) PREFERENCE.—In providing grants under clause (i), the Secretary shall give preference to eligible institutions that have not yet received an award under this section.

''(B) ALLOTMENT OF REMAINING FUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall distribute the remaining funds appropriated for any fiscal year to each eligible institution as follows:

''(I) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

''(II) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.

''(ii) MINIMUM GRANT.—The amount distributed to a Tribal College or University under clause (i) shall not be less than $500,000.

''(4) SPECIAL RULES.—

''(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.''.

SEC. 304. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(I) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.''.

SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

''SEC. 318. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

''(b) DEFINITIONS.—In this section:

''(1) NATIVE AMERICAN.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.

''(2) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' means an institution of higher education that, at the time of application—

''(A) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

''(B) is not a Tribal College or University (as defined in section 316).

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans.

''(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

''(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

''(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

''(D) curriculum development and academic instruction;

''(E) the purchase of library books, periodicals, microfilm, and other educational materials;

''(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

''(G) the joint use of facilities such as laboratories and libraries; and

''(H) academic tutoring and counseling programs and student support services.

''(d) APPLICATION PROCESS.—

''(1) INSTITUTIONAL ELIGIBILITY.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.

''(2) APPLICATIONS.—

''(A) PERMISSION TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

''(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

''(C) CONTENT.—An application submitted under subparagraph (A) shall include—

''(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and

''(ii) such other information and assurances as the Secretary may require.

''(3) SPECIAL RULES.—

''(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

''(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.''.

(b) MINIMUM GRANT AMOUNT.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

''(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.''.

SEC. 306. PART B DEFINITIONS.

Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting '', in consultation with the Commissioner for Education Statistics'' before ''and the Commissioner''.

SEC. 307. GRANTS TO INSTITUTIONS.

Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''360(a)(2)'' and inserting ''399(a)(2)'';

(2) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(3) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.''.

SEC. 308. ALLOTMENTS TO INSTITUTIONS.

Section 324 (20 U.S.C. 1063) is amended by adding at the end the following:

''(h) SPECIAL RULE ON ELIGIBILITY.—Notwithstanding any other provision of this section, a part B institution shall not receive an allotment under this section unless the part B institution provides, on an annual basis, data indicating that the part B institution—

''(1) enrolled Federal Pell Grant recipients in the preceding academic year;

''(2) in the preceding academic year, has graduated students from a program of academic study that is licensed or accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part H of title IV where appropriate; and

''(3) where appropriate, has graduated students who, within the past 5 years, enrolled in graduate or professional school.''.

SEC. 309. PROFESSIONAL OR GRADUATE INSTITUTIONS.

Section 326 (20 U.S.C. 1063b) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by inserting '', and for the acquisition and development of real property that is adjacent to the campus for such construction, maintenance, renovation, or improvement'' after ''services'';

(B) by redesignating paragraphs (5) through (7) as paragraphs (7) through (9), respectively;

(C) by inserting after paragraph (4) the following:

''(5) tutoring, counseling, and student service programs designed to improve academic success;

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;'';

(D) in paragraph (7) (as redesignated by subparagraph (B)), by striking ''establish or improve'' and inserting ''establishing or improving'';

(E) in paragraph (8) (as redesignated by subparagraph (B))—

(i) by striking ''assist'' and inserting ''assisting''; and

(ii) by striking ''and'' after the semicolon;

(F) in paragraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(G) by adding at the end the following:

''(10) other activities proposed in the application submitted under subsection (d) that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.'';

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting a colon after ''the following'';

(ii) in subparagraph (Q), by striking ''and'' at the end;

(iii) in subparagraph (R), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(S) Alabama State University qualified graduate program;

''(T) Coppin State University qualified graduate program;

''(U) Prairie View A & M University qualified graduate program;

''(V) Fayetteville State University qualified graduate program;

''(W) Delaware State University qualified graduate program;

''(X) Langston University qualified graduate program;

''(Y) West Virginia State University qualified graduate program;

''(Z) Kentucky State University qualified graduate program; and

''(AA) Grambling State University qualified graduate program.'';

(B) in paragraph (2)(A)—

(i) by inserting ''in law or'' after ''instruction''; and

(ii) by striking ''mathematics, or'' and inserting ''mathematics, psychometrics, or'';

(C) in paragraph (3)—

(i) by striking ''1998'' and inserting ''2007''; and

(ii) by striking ''(Q) and (R)'' and inserting ''(S), (T), (U), (V), (W), (X), (Y), (Z), and (AA)'';

(3) in subsection (f)—

(A) in paragraph (1), by striking ''(P)'' and inserting ''(R)'';

(B) in paragraph (2), by striking ''(Q) and (R)'' and inserting ''(S), (T), (U), (V), (W), (X), (Y), (Z), and (AA)''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''(R)'' and inserting ''(AA)'';

(ii) by striking subparagraphs (A) and (B) and inserting the following:

''(A) The amount of non-Federal funds for the fiscal year for which the determination is made that the institution or program listed in subsection (e)—

''(i) allocates from institutional resources;

''(ii) secures from non-Federal sources, including amounts appropriated by the State and amounts from the private sector; and

''(iii) will utilize to match Federal funds awarded for the fiscal year for which the determination is made under this section to the institution or program.

''(B) The number of students enrolled in the qualified graduate programs of the eligible institution or program, for which the institution or program received and allocated funding under this section in the preceding year.'';

(iii) in subparagraph (C), by striking ''(or the equivalent) enrolled in the eligible professional or graduate school'' and all that follows through the period and inserting ''enrolled in the qualified programs or institutions listed in paragraph (1).'';

(iv) in subparagraph (D)—

(I) by striking ''students'' and inserting ''Black American students or minority students''; and

(II) by striking ''institution'' and inserting ''institution or program''; and

(v) by striking subparagraph (E) and inserting the following:

''(E) The percentage that the total number of Black American students and minority students who receive their first professional, master's, or doctoral degrees from the institution or program in the academic year preceding the academic year for which the determination is made, represents of the total number of Black American students and minority students in the United States who receive their first professional, master's, or doctoral degrees in the professions or disciplines related to the course of study at such institution or program, respectively, in the preceding academic year.''; and

(4) in subsection (g), by striking ''1998'' and inserting ''2007''.

SEC. 310. AUTHORITY OF THE SECRETARY.

Section 345 (20 U.S.C. 1066d) is amended—

(1) in paragraph (6), by striking ''and'' after the semicolon;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, shall submit to the authorizing committees a report on the progress of the Department in implementing the recommendations made by the Government Accountability Office in October 2006 for improving the Historically Black College and Universities Capital Financing Program.''.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 399 (20 U.S.C. 1068h) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—(A) There are authorized to be appropriated to carry out part A (other than sections 316, 317, and 318) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 316 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(C) There are authorized to be appropriated to carry out section 317 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(D) There are authorized to be appropriated to carry out section 318 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 326 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(3) PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 345(7) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(5) PART E.—There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 312. TECHNICAL CORRECTIONS.

Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking ''.,'' and inserting ''.'';

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting ''SALE OF QUALIFIED BONDS.—'' before ''Notwithstanding'';

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking ''support'' and inserting ''supports'';

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking ''subparagraph (E)'' and inserting ''subparagraph (D)'';

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking ''eligible institutions under part A institutions'' and inserting ''eligible institutions under part A''; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking ''360'' and inserting ''399''.

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SEC. 401. FEDERAL PELL GRANTS.

(a) AMENDMENTS.—Section 401 (20 U.S.C. 1070a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''2004'' and inserting ''2013''; and

(ii) in the second sentence, by striking ''.,'' and inserting ''.''; and

(B) in paragraph (3), by striking ''this subpart'' and inserting ''this section'';

(2) in subsection (b)—

(A) by striking paragraph (2)(A) and inserting the following:

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

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

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

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

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

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.'';

(B) by striking paragraph (3);

(C) in paragraph (5), by striking ''$400, except'' and all that follows through the period and inserting ''10 percent of the maximum basic grant level specified in the appropriate Appropriation Act for such academic year, except that a student who is eligible for a Federal Pell Grant in an amount that is equal to or greater than 5 percent of such level but less than 10 percent of such level shall be awarded a Federal Pell grant in the amount of 10 percent of such level.''; and

(D) by striking paragraph (6) and inserting the following:

''(6) In the case of a student who is enrolled, on at least a half-time basis and for a

period of more than 1 academic year in a single award year in a 2-year or 4-year program of instruction for which an institution of higher education awards an associate or baccalaureate degree, the Secretary shall award such student not more than 2 Federal Pell Grants during that award year to permit such student to accelerate the student's progress toward a degree. In the case of a student receiving more than 1 Federal Pell Grant in a single award year, the total amount of Federal Pell Grants awarded to such student for the award year may exceed the maximum basic grant level specified in the appropriate appropriations Act for such award year.''; and

(3) in subsection (c), by adding at the end the following:

''(5) The period of time during which a student may receive Federal Pell Grants shall not exceed 18 semesters, or an equivalent period of time as determined by the Secretary pursuant to regulations, which period shall—

''(A) be determined without regard to whether the student is enrolled on a full-time basis during any portion of the period of time; and

''(B) include any period of time for which the student received a Federal Pell Grant prior to July 1, 2008.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 402. ACADEMIC COMPETITIVENESS GRANTS.

Section 401A (20 U.S.C. 1070a–1) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''academic''; and

(B) in paragraph (2), by striking ''third or fourth academic'' and inserting ''third, fourth, or fifth'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''full-time'' and all that follows through ''is made'' and inserting ''student who'';

(B) by striking paragraph (1) and inserting the following:

''(1) is eligible for a Federal Pell Grant for the award year in which the determination of eligibility is made for a grant under this section;'';

(C) by striking paragraph (2) and inserting the following:

''(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and''; and

(D) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

''(A) the first year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 1 year for which the institution awards a certificate), has successfully completed, after January 1, 2006, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary;'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''academic'' and all that follows through ''higher education'' and inserting ''year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 2 years for which the institution awards a certificate)''; and

(II) in clause (ii)—

(aa) by striking ''academic''; and

(bb) by striking ''or'' after the semicolon at the end;

(iii) in subparagraph (C)—

(I) by striking ''academic'';

(II) by striking ''four'' and inserting ''4'';

(III) by striking clause (i)(II) and inserting the following:

''(II) a critical foreign language; and''; and

(IV) in clause (ii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)) that demonstrates, to the satisfaction of the Secretary, that the institution—

''(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and those students—

''(I) study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; or

''(II) are required, as part of their degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

''(aa) 4 years of study in mathematics; and

''(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

''(ii) offered such curriculum prior to February 8, 2006; or

''(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework for which a baccalaureate degree is awarded by a degree-granting institution of higher education, as certified by the appropriate official of such institution—

''(i) is pursuing a major in—

''(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

''(II) a critical foreign language; and

''(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''The'' and inserting ''IN GENERAL.—The'';

(II) in clause (ii), by striking ''or'' after the semicolon at the end;

(III) in clause (iii), by striking ''subsection (c)(3)(C).'' and inserting ''subparagraph (C) or (D) of subsection (c)(3), for each of the 2 years described in such subparagraphs; or''; and

(IV) by adding at the end the following:

''(iv) $4,000 for an eligible student under subsection (c)(3)(E).''; and

(ii) in subparagraph (B)—

(I) by striking ''Notwithstanding'' and inserting ''LIMITATION; RATABLE REDUCTION.—Notwithstanding'';

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

''(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the grant that such student may receive shall be reduced in the same manner as a Federal Pell Grant is reduced under section 401(b)(2)(B);'';

(B) by striking paragraph (2) and inserting the following:

''(2) LIMITATIONS.—

''(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

''(B) NUMBER OF GRANTS.—

''(i) FIRST YEAR.—In the case of a student described in subsection (c)(3)(A), the Secretary may not award more than 1 grant to such student for such first year of study.

''(ii) SECOND YEAR.—In the case of a student described in subsection (c)(3)(B), the Secretary may not award more than 1 grant to such student for such second year of study.

''(iii) THIRD AND FOURTH YEARS.—In the case of a student described in subparagraph (C) or (D) of subsection (c)(3), the Secretary may not award more than 1 grant to such student for each of the third and fourth years of study.

''(iv) FIFTH YEAR.—In the case of a student described in subsection (c)(3)(E), the Secretary may not award more than 1 grant to such student for such fifth year of study.''; and

(C) by adding at the end the following:

''(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.'';

(5) by striking subsection (e)(2) and inserting the following:

''(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.'';

(6) in subsection (f)—

(A) by striking ''at least one'' and inserting ''not less than 1''; and

(B) by striking ''subsection (c)(3)(A) and (B)'' and inserting ''subparagraphs (A) and (B) of subsection (c)(3)''; and

(7) in subsection (g), by striking ''academic'' and inserting ''award''.

SEC. 403. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''4'' and inserting ''5'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) by striking paragraph (3) and inserting the following:

''(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''service delivery'' and inserting ''high quality service delivery, as determined under subsection (f),'';

(B) in paragraph (3)(B), by striking ''is not required to'' and inserting ''shall not''; and

(C) in paragraph (5), by striking ''campuses'' and inserting ''different campuses'';

(3) in subsection (e), by striking ''(g)(2)'' each place the term occurs and inserting ''(h)(4)'';

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

''(f) OUTCOME CRITERIA.—

''(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—The Secretary shall use the outcome criteria described in paragraphs (2) and (3) to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria.

''(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

''(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

''(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

''(i) the delivery of service to a total number of students served by the program;

''(ii) the continued secondary school enrollment of such students;

''(iii) the graduation of such students from secondary school;

''(iv) the enrollment of such students in an institution of higher education; and

''(v) to the extent practicable, the postsecondary education completion of such students.

''(B) For programs authorized under section 402C, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

''(ii) such students' school performance, as measured by the grade point average, or its equivalent;

''(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

''(iv) the retention in, and graduation from, secondary school of such students; and

''(v) the enrollment of such students in an institution of higher education.

''(C) For programs authorized under section 402D—

''(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

''(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding such students' completion of the degree programs in which such students were enrolled; or

''(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding—

''(aa) the completion of a degree or certificate by such students; and

''(bb) the transfer of such students to institutions of higher education that offer baccalaureate degrees;

''(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the extent to which the entity met or exceeded the entity's objectives regarding such students remaining in good academic standing.

''(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

''(ii) the provision of appropriate scholarly and research activities for the students served by the program;

''(iii) the acceptance and enrollment of such students in graduate programs; and

''(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

''(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

''(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

''(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

''(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which an outcome criterion described in paragraphs (2) or (3) is met or exceeded, an eligible entity receiving assistance under this chapter shall compare the eligible entity's target for the criterion, as established in the eligible entity's application, with the results for the criterion, measured as of the last day of the applicable time period for the determination.'';

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking ''$700,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

''(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals, with respect to whom an eligible entity desires to serve through an application for a grant under this chapter, that—

''(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

''(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.'';

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A), by striking ''or'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) was a member of a reserve component of the Armed Forces called to active duty for a period of more than 180 days.''; and

(D) in paragraph (6), by striking ''subparagraph (A) or (B) of paragraph (3)'' and inserting ''subparagraph (A), (B), or (C) of paragraph (5)''.

(b) TALENT SEARCH.—Section 402B (20 U.S.C. 1070a–12) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''to identify qualified youths with potential for education at the postsecondary level and to encourage such youths'' and inserting ''to encourage eligible youths'';

(B) in paragraph (2), by inserting '', and facilitate the application for,'' after ''the availability of''; and

(C) in paragraph (3), by striking '', but who have the ability to complete such programs, to reenter'' and inserting ''to enter or reenter, and complete'';

(2) by redesignating subsection (c) as subsection (d);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) academic tutoring, or connections to high quality academic tutoring services, to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in secondary course selection and, if applicable, initial postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.

''(c) PERMISSIBLE SERVICES.—Any project assisted under this section may provide services such as—

''(1) personal and career counseling or activities;

''(2) information and activities designed to acquaint youths with the range of career options available to the youths;

''(3) exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth;

''(4) workshops and counseling for families of students served;

''(5) mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and

''(6) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.''; and

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''talent search projects under this chapter'' and inserting ''projects under this section''.

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) academic tutoring to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in secondary and postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.'';

(2) in subsection (c)—

(A) in the subsection heading, by striking ''REQUIRED SERVICES'' and inserting ''ADDITIONAL REQUIRED SERVICES FOR MULTIPLE-YEAR GRANT RECIPIENTS''; and

(B) by striking ''upward bound project assisted under this chapter'' and inserting ''project assisted under this section'';

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

''(d) PERMISSIBLE SERVICES.—Any project assisted under this section may provide such services as—

''(1) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;

''(2) information, activities and instruction designed to acquaint youths participating in the project with the range of career options available to the youths;

''(3) on-campus residential programs;

''(4) mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;

''(5) work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree;

''(6) special services to enable veterans to make the transition to postsecondary education; and

''(7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.

''(e) PRIORITY.—In providing assistance under this section the Secretary—

''(1) shall give priority to projects assisted under this section that select not less than 30 percent of all first-time participants in the projects from students who have a high academic risk for failure; and

''(2) shall not deny participation in a project assisted under this section to a student because the student will enter the project after the 9th grade.'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (3)), by striking ''upward bound projects under this chapter'' and inserting ''projects under this section''; and

(6) in subsection (g) (as redesignated by paragraph (3))—

(A) by striking ''during June, July, and August'' each place the term occurs and inserting ''during the summer school recess, for a period not to exceed 3 months''; and

(B) by striking ''(b)(10)'' and inserting ''(d)(5)''.

(7) by adding at the end the following:

''(h) ADDITIONAL FUNDS.—

''(1) AUTHORIZATION.—There are authorized to be appropriated for the upward bound program under this chapter, in addition to any amounts appropriated under section 402A(g), $57,000,000 for each of the fiscal years 2008 through 2011 for the Secretary to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the upward bound program under this chapter.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—The amounts made available by paragraph (1) for a fiscal year shall be available to provide assistance to applicants for an upward bound project under this chapter for such fiscal year that—

''(i) did not apply for assistance, or applied but did not receive assistance, under this section in fiscal year 2007; and

''(ii) receive a grant score above 70 on the applicant's application.

''(B) 4-YEAR GRANTS.—The assistance described in subparagraph (A) shall be made available in the form of 4-year grants.''.

(d) STUDENT SUPPORT SERVICES.—Section 402D (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) by striking paragraph (3) and inserting the following:

''(3) to foster an institutional climate supportive of the success of low-income and first generation college students, students with disabilities, students who are limited English proficient, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), and students who are in foster care or are aging out of the foster care system.''; and

(C) by adding at the end the following:

''(4) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—A project assisted under this section shall provide—

''(1) academic tutoring to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in postsecondary course selection;

''(3)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(5) activities designed to assist students participating in the project in securing college admission and financial assistance for enrollment in graduate and professional programs; and

''(6) activities designed to assist students enrolled in 2-year institutions of higher education in securing admission and financial assistance for enrollment in a 4-year program of postsecondary education.

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) consistent, individualized personal, career, and academic counseling, provided by assigned counselors;

''(2) information, activities, and instruction designed to acquaint youths participating in the project with the range of career options available to the students;

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students;

''(4) activities designed to acquaint students participating in the project with the range of career options available to the students;

''(5) mentoring programs involving faculty or upper class students, or a combination thereof;

''(6) securing temporary housing during breaks in the academic year for students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths and students who are in foster care or are aging out of the foster care system; and

''(7) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths, or students who are in foster care or are aging out of the foster care system.'';

(4) in subsection (d)(1) (as redesignated by paragraph (2)), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in the matter preceding paragraph (1) of subsection (e) (as redesignated by paragraph (2)), by striking ''student support services projects under this chapter'' and inserting ''projects under this section''.

(e) POSTBACCALAUREATE ACHIEVEMENT PROGRAM AUTHORITY.—Section 402E (20 U.S.C. 1070a–15) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''REQUIRED'' before ''SERVICES'';

(B) in the matter preceding paragraph (1), by striking ''A postbaccalaureate achievement project assisted under this section may provide services such as—'' and inserting ''A project assisted under this section shall provide—'';

(C) in paragraph (5), by inserting ''and'' after the semicolon;

(D) in paragraph (6), by striking the semicolon and inserting a period; and

(E) by striking paragraphs (7) and (8);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(2) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students.'';

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement project'' and inserting ''project under this section''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) by striking ''402A(f)'' and inserting ''402A(g)''; and

(B) by striking ''1993 through 1997'' and inserting ''2007 through 2012''.

(f) EDUCATIONAL OPPORTUNITY CENTERS.—Section 402F (20 U.S.C. 1070a–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(B) by inserting after paragraph (4) the following:

''(5) education or counseling services designed to improve the financial literacy and economic literacy of students;'';

(C) by striking paragraph (7) (as redesignated by subparagraph (A)) and inserting the following:

''(7) individualized personal, career, and academic counseling;''; and

(D) by striking paragraph (11) (as redesignated by subparagraph (A)) and inserting the following:

''(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for students who are limited English proficient, students with disabilities, or students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or programs and activities for students who are in foster care or are aging out of the foster care system.''.

(g) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b)(3) (20 U.S.C. 1070a–17(b)(3)) is amended by inserting '', including strategies for recruiting and serving students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) and students who are in foster care or are aging out of the foster care system'' before the period at the end.

(h) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting ''**REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION**.'';

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) REPORTS TO THE AUTHORIZING COMMITTEES.—The Secretary shall submit annually, to the authorizing committees, a report that documents the performance of all programs funded under this chapter. The report shall—

''(1) be submitted not later than 24 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

''(2) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

''(3) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

''(4) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

''(5) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities.''; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraph (2) and inserting the following:

''(2) PRACTICES.—

''(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in—

''(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

''(ii) the preparation of the individuals and students for postsecondary education; and

''(iii) fostering the success of the individuals and students in postsecondary education.

''(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as its primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

''(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). The practices may be used by eligible entities that receive assistance under this chapter after the dissemination.

''(3) 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.''.

(i) ADDITIONAL AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(d)(2) (as redesignated by subsection (e)(2)) (20 U.S.C. 1070a–15(d)(2)) is further amended by inserting '', including Native Hawaiians, as defined in section 7207 of the Elementary and Secondary Education Act of 1965, and Pacific Islanders'' after ''graduate education''.

SEC. 404. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

(a) EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.—Section 404A (20 U.S.C. 1070a–21) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized, in accordance with the requirements of this chapter, to establish a program that encourages eligible entities to provide support to eligible low-income students to assist the students in obtaining a secondary school diploma (or its recognized equivalent) and to prepare for and succeed in postsecondary education, by providing—

''(1) financial assistance, academic support, additional counseling, mentoring, outreach, and supportive services to middle school and secondary school students to reduce—

''(A) the risk of such students dropping out of school; or

''(B) the need for remedial education for such students at the postsecondary level; and

''(2) information to students and their parents about the advantages of obtaining a postsecondary education and the college financing options for the students and their parents.'';

(2) by striking subsection (b)(2)(A) and inserting the following:

''(A) give priority to eligible entities that have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies;''; and

(3) in subsection (b), by adding at the end the following:

''(3) CARRY OVER.—An eligible entity that receives a grant under this chapter may carry over any unspent grant funds from the final year of the grant period into the following year.'';

(4) by striking subsection (c)(2) and inserting the following:

''(2) a partnership—

''(A) consisting of—

''(i) 1 or more local educational agencies; and

''(ii) 1 or more degree granting institutions of higher education; and

''(B) which may include not less than 2 other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.''.

(b) REQUIREMENTS.—Section 404B (20 U.S.C. 1070a–22) is amended—

(1) by striking subsection (a) and inserting the following: —

''(a) FUNDING RULES.—

''(1) DISTRIBUTION.—In awarding grants from the amount appropriated under section 404G for a fiscal year, the Secretary shall take into consideration—

''(A) the geographic distribution of such awards; and

''(B) the distribution of such awards between urban and rural applicants.

''(2) SPECIAL RULE.—The Secretary shall annually reevaluate the distribution of funds described in paragraph (1) based on number, quality, and promise of the applications.'';

(2) by striking subsections (b), (e), and (f);

(3) by redesignating subsections (c), (d), and (g) as subsections (b), (c), and (d), respectively; and

(4) by adding at the end the following:

''(e) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this chapter shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this chapter.''.

(c) APPLICATION.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in the section heading, by striking ''**ELIGIBLE ENTITY PLANS**'' and inserting ''**APPLICATIONS**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''PLAN'' and inserting ''APPLICATION'';

(B) in paragraph (1)—

(i) by striking ''a plan'' and inserting ''an application''; and

(ii) by striking the second sentence; and

(C) by striking paragraph (2) and inserting the following:

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may require. Each such application shall, at a minimum—

''(A) describe the activities for which assistance under this chapter is sought, including how the eligible entity will carry out the required activities described in section 404D(a);

''(B) describe how the eligible agency will meet the requirements of section 404E;

''(C) provide assurances that adequate administrative and support staff will be responsible for coordinating the activities described in section 404D;

''(D) ensure that activities assisted under this chapter will not displace an employee or eliminate a position at a school assisted under this chapter, including a partial displacement such as a reduction in hours, wages or employment benefits;

''(E) describe, in the case of an eligible entity described in section 404A(c)(2), how the eligible entity will define the cohorts of the students served by the eligible entity pursuant to section 404B(d), and how the eligible entity will serve the cohorts through grade 12, including—

''(i) how vacancies in the program under this chapter will be filled; and

''(ii) how the eligible entity will serve students attending different secondary schools;

''(F) describe how the eligible entity will coordinate programs with other existing Federal, State, or local programs to avoid duplication and maximize the number of students served;

''(G) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this chapter; and

''(H) provide information about the activities that will be carried out by the eligible entity to support systemic changes from which future cohorts of students will benefit.'';

(3) in the matter preceding subparagraph (A) of subsection (b)(1)—

(A) by striking ''a plan'' and inserting ''an application''; and

(B) by striking ''such plan'' and inserting ''such application''; and

(4) in subsection (c)(1), by striking ''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,'';

(5) in subsection (c)(1), by striking the semicolon at the end and inserting ''including—

''(A) the amount contributed to a student scholarship fund established under section 404E; and

''(B) the amount of the costs of administering the scholarship program under section 404E;''.

(6) in subsection (c)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) other resources recognized by the Secretary, including equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.''.

(d) ACTIVITIES.—Section 404D (20 U.S.C. 1070a–24) is amended to read as follows:

''SEC. 404D. ACTIVITIES.

''(a) REQUIRED ACTIVITIES.—Each eligible entity receiving a grant under this chapter shall carry out the following:

''(1) Provide information regarding financial aid for postsecondary education to participating students in the cohort described in subsection 404B(d)(1)(A).

''(2) Encourage student enrollment in rigorous and challenging curricula and coursework, in order to reduce the need for remedial coursework at the postsecondary level.

''(3) Support activities designed to improve the number of participating students who—

''(A) obtain a secondary school diploma; and

''(B) complete applications for and enroll in a program of postsecondary education.

''(4) In the case of an eligible entity described in section 404A(c)(1), provide for the scholarships described in section 404E.

''(b) OPTIONAL ACTIVITIES FOR STATES AND PARTNERSHIPS.—An eligible entity that receives a grant under this chapter may use grant funds to carry out 1 or more of the following activities:

''(1) Providing tutoring and supporting mentors, including adults or former participants of a program under this chapter, for eligible students.

''(2) Conducting outreach activities to recruit priority students described in subsection (d) to participate in program activities.

''(3) Providing supportive services to eligible students.

''(4) Supporting the development or implementation of rigorous academic curricula, which may include college preparatory, Advanced Placement, or International Baccalaureate programs, and providing participating students access to rigorous core courses that reflect challenging State academic standards.

''(5) Supporting dual or concurrent enrollment programs between the secondary school and institution of higher education partners of an eligible entity described in section 404A(c)(2), and other activities that support participating students in—

''(A) meeting challenging academic standards;

''(B) successfully applying for postsecondary education;

''(C) successfully applying for student financial aid; and

''(D) developing graduation and career plans.

''(6) Providing support for scholarships described in section 404E.

''(7) Introducing eligible students to institutions of higher education, through trips and school-based sessions.

''(8) Providing an intensive extended school day, school year, or summer program that offers—

''(A) additional academic classes; or

''(B) assistance with college admission applications.

''(9) Providing other activities designed to ensure secondary school completion and postsecondary education enrollment of at-risk children, such as—

''(A) the identification of at-risk children;

''(B) after-school and summer tutoring;

''(C) assistance to at-risk children in obtaining summer jobs;

''(D) academic counseling;

''(E) volunteer and parent involvement;

''(F) encouraging former or current participants of a program under this chapter to serve as peer counselors;

''(G) skills assessments;

''(H) personal counseling;

''(I) family counseling and home visits;

''(J) staff development; and

''(K) programs and activities described in this subsection that are specially designed for students who are limited English proficient.

''(10) Enabling eligible students to enroll in Advanced Placement or International Baccalaureate courses, or college entrance examination preparation courses.

''(11) Providing services to eligible students in the participating cohort described in section 404B(d)(1)(A), through the first year of attendance at an institution of higher education.

''(12) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

''(13) Disseminating information that promotes the importance of higher education, explains college preparation and admissions requirements, and raises awareness of the resources and services provided by the eligible entities to eligible students, their families, and communities.

''(c) ADDITIONAL OPTIONAL ACTIVITIES FOR STATES.—In addition to the required activities described in subsection (a) and the optional activities described in subsection (b), an eligible entity described in section 404A(c)(1) receiving funds under this chapter may use grant funds to carry out 1 or more of the following activities:

''(1) Providing technical assistance to—

''(A) middle schools or secondary schools that are located within the State; or

''(B) partnerships described in section 404A(c)(2) that are located within the State.

''(2) Providing professional development opportunities to individuals working with eligible cohorts of students described in section 404B(d)(1)(A).

''(3) Providing strategies and activities that align efforts in the State to prepare eligible students for attending and succeeding in postsecondary education, which may include the development of graduation and career plans.

''(4) Disseminating information on the use of scientifically based research and best practices to improve services for eligible students.

''(5)(A) Disseminating information on effective coursework and support services that

assist students in obtaining the goals described in subparagraph (B)(ii).

''(B) Identifying and disseminating information on best practices with respect to—

''(i) increasing parental involvement; and

''(ii) preparing students, including students with disabilities and students who are limited English proficient, to succeed academically in, and prepare financially for, postsecondary education.

''(6) Working to align State academic standards and curricula with the expectations of postsecondary institutions and employers.

''(7) Developing alternatives to traditional secondary school that give students a head start on attaining a recognized postsecondary credential (including an industry certificate, an apprenticeship, or an associate's or a bachelor's degree), including school designs that give students early exposure to college-level courses and experiences and allow students to earn transferable college credits or an associate's degree at the same time as a secondary school diploma.

''(8) Creating community college programs for drop-outs that are personalized drop-out recovery programs that allow drop-outs to complete a regular secondary school diploma and begin college-level work.

''(d) PRIORITY STUDENTS.—For eligible entities not using a cohort approach, the eligible entity shall treat as priority students any student in middle or secondary school who is eligible—

''(1) to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965;

''(2) for free or reduced price meals under the Richard B. Russell National School Lunch Act;

''(3) for assistance under a State program funded under part A or E of title IV of the Social Security Act (42 U.S.C. 601 et seq., 670 et seq.); or

''(4) for assistance under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

''(e) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(c)(1), the activities required by this section may be provided by service providers such as community-based organizations, schools, institutions of higher education, public and private agencies, nonprofit and philanthropic organizations, businesses, institutions and agencies sponsoring programs authorized under subpart 4, and other organizations the State determines appropriate.''.

(e) SCHOLARSHIP COMPONENT.—Section 404E (20 U.S.C. 1070a–25) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (f), and (g), respectively;

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—

''(1) IN GENERAL.—Subject to paragraph (2), each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall use not less than 25 percent and not more than 50 percent of the grant funds for activities described in section 404D (except for the activity described in subsection (a)(4) of such section), with the remainder of such funds to be used for a scholarship program under this section in accordance with such subsection.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may allow an eligible entity to use more than 50 percent of grant funds received under this chapter for such activities, if the eligible entity demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section and describes such means in the application submitted under section 404C.

''(c) NOTIFICATION OF ELIGIBILITY.—Each eligible entity providing scholarships under this section shall provide information on the eligibility requirements for the scholarships to all participating students upon the students' entry into the programs assisted under this chapter.'';

(4) in subsection (d) (as redesignated by paragraph (2)), by striking ''the lesser of'' and all that follows through the period at the end of paragraph (2) and inserting ''the minimum Federal Pell Grant award under section 401 for such award year.'';

(5) by inserting after subsection (d) (as redesignated by paragraph (2) and amended by paragraph (4)) the following:

''(e) PORTABILITY OF ASSISTANCE.—

''(1) IN GENERAL.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall create or organize a trust for each cohort described in section 404B(d)(1)(A) for which the grant is sought in the application submitted by the entity, which trust shall be an amount that is not less than the minimum scholarship amount described in subsection (d), multiplied by the number of students participating in the cohort.

''(2) REQUIREMENT FOR PORTABILITY.—Funds contributed to the trust for a cohort shall be available to a student in the cohort when the student has—

''(A) completed a secondary school diploma, its recognized equivalent, or other recognized alternative standard for individuals with disabilities; and

''(B) enrolled in an institution of higher education.

''(3) QUALIFIED EDUCATIONAL EXPENSES.—Funds available to an eligible student from a trust may be used for—

''(A) tuition, fees, books, supplies, and equipment required for the enrollment or attendance of the eligible student at an institution of higher education; and

''(B) in the case of an eligible student with special needs, expenses for special needs services which are incurred in connection with such enrollment or attendance.

''(4) RETURN OF FUNDS.—

''(A) REDISTRIBUTION.—

''(i) IN GENERAL.—Trust funds that are not used by an eligible student within 6 years of the student's scheduled completion of secondary school may be redistributed by the eligible entity to other eligible students.

''(ii) RETURN OF EXCESS TO THE SECRETARY.—If, after meeting the requirements of paragraph (1) and, if applicable, redistributing excess funds in accordance with clause (i), an eligible entity has funds remaining, the eligible entity shall return excess funds to the Secretary for distribution to other grantees under this chapter.

''(B) NONPARTICIPATING ENTITY.—Notwithstanding subparagraph (A), in the case of an eligible entity described in section 404A(c)(1)(A) that does not receive assistance under this subpart for 6 fiscal years, the eligible entity shall return any trust funds not awarded or obligated to eligible students to the Secretary for distribution to other grantees under this chapter.''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) in paragraph (2), by striking ''1993'' and inserting ''2001''; and

(B) in paragraph (4), by striking ''early intervention component required under section 404D'' and inserting ''activities required under section 404D(a)''.

(f) REPEAL OF 21ST CENTURY SCHOLAR CERTIFICATES.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) by striking section 404F; and

(2) by redesignating sections 404G and 404H as sections 404F and 404G, respectively.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404G (as redesignated by subsection (f)) (20 U.S.C. 1070a–28) is amended by striking ''$200,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(h) CONFORMING AMENDMENTS.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) in section 404A(b)(1), by striking ''404H'' and inserting ''404G'';

(2) in section 404B(a)(1), by striking ''404H'' and inserting ''404G''; and

(3) in section 404F(c) (as redesignated by subsection (f)(2)), by striking ''404H'' and inserting ''404G''.

SEC. 405. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

SEC. 406. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) APPROPRIATIONS AUTHORIZED.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking ''$675,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) ALLOCATION OF FUNDS.—

(1) ALLOCATION OF FUNDS.—Section 413D (20 U.S.C. 1070b–3) is amended—

(A) by striking subsection (a)(4); and

(B) in subsection (c)(3)(D), by striking ''$450'' and inserting ''$600''.

(2) TECHNICAL CORRECTION.—Section 413D(a)(1) (20 U.S.C. 1070b–3(a)(1)) is amended by striking ''such institution'' and all that follows through the period and inserting ''such institution received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).''.

SEC. 407. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) APPROPRIATIONS AUTHORIZED.—Section 415A(b)(1) (20 U.S.C. 1070c(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) APPLICATIONS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (2), by striking ''not in excess of $5,000 per academic year'' and inserting ''not to exceed the lesser of $12,500 or the student's cost of attendance per academic year''; and

(2) by striking paragraph (10) and inserting the following:

''(10) provides notification to eligible students that such grants are—

''(A) Leveraging Educational Assistance Partnership grants; and

''(B) funded by the Federal Government, the State, and other contributing partners.''.

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

''SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

''(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

''(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties in order to—

''(A) carry out activities under this section; and

''(B) provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend an institution of higher education;

''(2) provide need-based grants for access and persistence to eligible low-income students;

''(3) provide early notification to low-income students of the students' eligibility for financial aid; and

''(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

''(b) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share, as described in paragraph (2), of the cost of carrying out the activities under subsection (d).

''(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

''(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in such State's application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

''(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements described in paragraph (2)(A)(ii).

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share under this section shall be determined in accordance with the following:

''(i) If a State applies for an allotment under this section in partnership with—

''(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State; and

''(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

''(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 50 percent.

''(ii) If a State applies for an allotment under this section in partnership with—

''(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State; and

''(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

''(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent.

''(B) NON-FEDERAL SHARE.—

''(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fully evaluated and in accordance with this subparagraph.

''(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this section, an in kind contribution is a non-cash award that has monetary value, such as provision of room and board and transportation passes, and that helps a student meet the cost of attendance.

''(iii) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F of this title, an in-kind contribution described in clause (ii) shall not be considered an asset or income.

''(c) APPLICATION FOR ALLOTMENT.—

''(1) IN GENERAL.—

''(A) SUBMISSION.—A State that desires to receive an allotment under this section on behalf of a partnership described in paragraph (3) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

''(i) A description of the State's plan for using the allotted funds.

''(ii) Assurances that the State will provide the non-Federal share from State, institutional, philanthropic, or private funds, of not less than the required share of the cost of carrying out the activities under subsection (d), as determined under subsection (b), in accordance with the following:

''(I) The State shall specify the methods by which non-Federal share funds will be paid, and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title.

''(II) A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's non-Federal share obligation under this clause.

''(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

''(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d), including a description of the system the State will use to track the participation of students who receive grants under this section to degree completion.

''(v) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479, to identify eligible low-income students and award State grant aid to such students.

''(vi) Assurances that the State will provide notification to eligible low-income students that grants under this section are—

''(I) Leveraging Educational Assistance Partnership Grants; and

''(II) funded by the Federal Government, the State, and other contributing partners.

''(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

''(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

''(A) not less than 1 public and 1 private degree granting institution of higher education that are located in the State, if applicable;

''(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

''(C) not less than 1—

''(i) philanthropic organization located in, or that provides funding in, the State; or

''(ii) private corporation located in, or that does business in, the State.

''(4) ROLES OF PARTNERS.—

''(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) serve as the primary administrative unit for the partnership;

''(II) provide or coordinate non-Federal share funds, and coordinate activities among partners;

''(III) encourage each institution of higher education in the State to participate in the partnership;

''(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

''(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

''(ii) may provide early information and intervention, mentoring, or outreach programs.

''(B) DEGREE GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree granting institution of higher education that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

''(II) provide support services to students who receive grants for access and persistence under this section and are enrolled at such institution; and

''(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

''(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

''(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

''(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for grants for access and persistence for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award grants for access and persistence to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

''(B) AMOUNT OF GRANTS.—

''(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

''(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(i), the amount of a grant for access and persistence awarded to a student 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 amounts of other Federal or State sponsored grants, work study, and scholarships received by the

student), and such grant for access and persistence shall be used toward the cost of attendance at an institution of higher education located in the State.

''(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of grants for access and persistence awarded to students 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 amounts of other Federal or State sponsored grants, work study, and scholarships received by the student).

''(ii) PARTNERSHIPS WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(ii), the amount of a grant for access and persistence awarded to a student by such State shall be not more than an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student), and such grant for access and persistence shall be used by the student to attend an institution of higher education located in the State.

''(C) SPECIAL RULES.—

''(i) PARTNERSHIP INSTITUTIONS.—A State receiving an allotment under this section may restrict the use of grants for access and persistence under this section by awarding the grants only to students attending institutions of higher education that are participating in the partnership.

''(ii) OUT-OF-STATE INSTITUTIONS.—If a State provides grants through another program under this subpart to students attending institutions of higher education located in another State, such agreement may also apply to grants awarded under this section.

''(2) EARLY NOTIFICATION.—

''(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students, such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act, in grade 7 through grade 12 in the State, of the students' potential eligibility for student financial assistance, including a grant for access and persistence, to attend an institution of higher education.

''(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

''(i) shall include—

''(I) information about early information and intervention, mentoring, or outreach programs available to the student;

''(II) information that a student's eligibility for a grant for access and persistence is enhanced through participation in an early information and intervention, mentoring, or outreach program;

''(III) an explanation that student and family eligibility for, and participation in, other Federal means-tested programs may indicate eligibility for a grant for access and persistence and other student aid programs;

''(IV) a nonbinding estimate of the total amount of financial aid that a low-income student with a similar income level may expect to receive, including an estimate of the amount of a grant for access and persistence and an estimate of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

''(V) an explanation that in order to be eligible for a grant for access and persistence, at a minimum, a student shall—

''(aa) meet the requirement under paragraph (3);

''(bb) graduate from secondary school; and

''(cc) enroll at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

''(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of a grant for access and persistence under this section; and

''(VII) instructions on how to apply for a grant for access and persistence and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

''(ii) may include a disclaimer that grant awards for access and persistence are contingent upon—

''(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

''(II) annual Federal and State appropriations; and

''(III) other aid received by the student at the time of the student's enrollment at such institution of higher education.

''(3) ELIGIBILITY.—In determining which students are eligible to receive grants for access and persistence, the State shall ensure that each such student meets not less than 1 of the following:

''(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

''(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

''(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

''(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

''(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

''(B) Is receiving, or has received, a grant for access and persistence under this section, in accordance with paragraph (5).

''(4) GRANT AWARD.—Once a student, including those students who have received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related existing State form, and is determined eligible by the State under paragraph (3), the State shall—

''(A) issue the student a preliminary award certificate for a grant for access and persistence with tentative award amounts; and

''(B) inform the student that payment of the grant for access and persistence award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

''(5) DURATION OF AWARD.—An eligible student that receives a grant for access and persistence under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to degree completion.

''(e) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State that receives an allotment under this section shall not use any of the allotted funds to pay administrative costs associated with any of the authorized activities described in subsection (d).

''(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(A)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

''(g) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

''(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary with an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.

''(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed the State's total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

''(j) CONTINUATION AND TRANSITION.—For the 2-year period that begins on the date of enactment of the Higher Education Amendments of 2007, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 as such section existed on the day before the date of enactment of such Act to States that choose to apply for grants under such predecessor section.

''(k) REPORTS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007 and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.''.

SEC. 408. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A (20 U.S.C. 1070d–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking ''parents'' and inserting ''immediate family'';

(B) in paragraph (3)(B), by inserting ''(including preparation for college entrance examinations)'' after ''college program'';

(C) in paragraph (5), by striking ''weekly'';

(D) in paragraph (7), by striking ''and'' after the semicolon;

(E) in paragraph (8)—

(i) by inserting ''(such as transportation and child care)'' after ''services''; and

(ii) by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(9) other activities to improve persistence and retention in postsecondary education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''parents'' and inserting ''immediate family''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''to improve placement, persistence, and retention in postsecondary education,'' after ''services''; and

(II) in clause (i), by striking ''and career'' and inserting ''career, and economic education or personal finance'';

(iii) in subparagraph (E), by striking ''and'' after the semicolon;

(iv) by redesignating subparagraph (F) as subparagraph (G);

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

''(F) internships; and''; and

(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking ''support services'' and inserting ''essential supportive services (such as transportation and child care)'' ; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting '', and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and''; and

(iii) by adding at the end the following:

''(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.'';

(3) in subsection (e), by striking ''section 402A(c)(1)'' and inserting ''section 402A(c)(2)'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''$150,000'' and inserting ''$180,000''; and

(B) in paragraph (2), by striking ''$150,000'' and inserting ''$180,000'';

(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(6) by inserting after subsection (f) the following:

''(g) RESERVATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a).'';

(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:

''(h) DATA COLLECTION.—The Commissioner for Education Statistics shall—

''(1) annually collect data on persons receiving services authorized under this subpart regarding such persons' rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education;

''(2) not less often than once every 2 years, prepare and submit a report based on the most recently available data under paragraph (1) to the authorizing committees; and

''(3) make such report available to the public.''; and

(8) in subsection (i) (as redesignated by paragraph (5))—

(A) in paragraph (1), by striking ''$15,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''; and

(B) in paragraph (2), by striking ''$5,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 409. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

(a) ELIGIBILITY OF SCHOLARS.—Section 419F(a) (20 U.S.C. 1070d–36(a)) is amended by inserting ''(or a home school, whether treated as a home school or a private school under State law)'' after ''public or private secondary school''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 419K (20 U.S.C. 1070d–41) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 410. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended—

(1) by striking ''A grant'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), a grant''; and

(2) by adding at the end the following:

''(ii) INCREASE TRIGGER.—For any fiscal year for which the amount appropriated under the authority of subsection (g) is equal to or greater than $20,000,000, a grant under this section shall be awarded in an amount that is not less than $30,000.''.

(b) DEFINITION OF LOW-INCOME STUDENT.—Paragraph (7) of section 419N(b) (20 U.S.C. 1070e(b)) is amended to read as follows:

''(7) DEFINITION OF LOW-INCOME STUDENT.—For the purpose of this section, the term 'low-income student' means a student who—

''(A) is eligible to receive a Federal Pell Grant for the award year for which the determination is made; or

''(B) would otherwise be eligible to receive a Federal Pell Grant for the award year for which the determination is made, except that the student fails to meet the requirements of—

''(i) section 401(c)(1) because the student is enrolled in a graduate or first professional course of study; or

''(ii) section 484(a)(5) because the student is in the United States for a temporary purpose.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 411. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 421. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

Section 428 (as amended by this Act) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (X), by striking ''and'' after the semicolon;

(ii) in subparagraph (Y)—

(I) by striking clause (i) and inserting the following:

''(i) the lender shall determine the eligibility of a borrower for a deferment described in subparagraph (M)(i) based on—

''(I) receipt of a request for deferment from the borrower and documentation of the borrower's eligibility for the deferment;

''(II) receipt of a newly completed loan application that documents the borrower's eligibility for a deferment;

''(III) receipt of student status information received by the lender that the borrower is enrolled on at least a half-time basis; or

''(IV) the lender's confirmation of the borrower's half-time enrollment status through use of the National Student Loan Data System, if the confirmation is requested by the institution of higher education.''; and

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(Z) provides that the lender shall, at the time the lender grants a deferment to a borrower who received a loan under section 428H and is eligible for a deferment under section 428(b)(1)(M), provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan.'';

(B) in paragraph (2)(F)—

(i) in clause (i)—

(I) in subclause (III), by striking ''and'' after the semicolon;

(II) in subclause (IV), by striking ''and'' after the semicolon; and

(III) by adding at the end the following:

''(V) the effective date of the transfer;

''(VI) the date the current servicer will stop accepting payments; and

''(VII) the date at which the new servicer will begin accepting payments.''; and

(C) by striking paragraph (3) and inserting the following:

''(3) RESTRICTIONS ON INDUCEMENTS, PAYMENTS, MAILINGS, AND ADVERTISING.—A guaranty agency shall not—

''(A) offer, directly or indirectly, premiums, payments, stock or other securities, prizes, travel, entertainment expenses, tuition repayment, or other inducements to—

''(i) any institution of higher education or the employees of an institution of higher education in order to secure applicants for loans made under this part; or

''(ii) any lender, or any agent, employee, or independent contractor of any lender or guaranty agency, in order to administer or market loans made under this part (other than a loan made under section 428H or a loan made as part of the guaranty agency's lender-of-last-resort program pursuant to section 439(q)) for the purpose of securing the designation of the guaranty agency as the insurer of such loans;

''(B) conduct unsolicited mailings, by postal or electronic means, of educational loan application forms to students enrolled in secondary school or postsecondary educational institutions, or to the parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans guaranteed under this part by the guaranty agency;

''(C) perform, for an institution of higher education participating in a program under this title, any function that the institution is required to perform under part B, D, or G;

''(D) pay, on behalf of the institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G; or

''(E) conduct fraudulent or misleading advertising concerning loan availability, terms, or conditions.

It shall not be a violation of this paragraph for a guaranty agency to provide technical assistance to institutions of higher education comparable to the technical assistance provided to institutions of higher education by the Department.''; and

(2) in subsection (c)—

(A) in paragraph (2)(H)(i), by striking ''preclaims'' and inserting ''default aversion''; and

(B) in paragraph (3)(D)—

(i) in clause (i), by striking ''and'' after the comma at the end;

(ii) in clause (ii), by striking the period and inserting a semicolon; and

(iii) by inserting after clause (ii) the following:

''(iii) the lender shall, at the time of granting a borrower forbearance, provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan; and

''(iv) the lender shall contact the borrower not less often than once every 180 days during the period of forbearance to inform the borrower of—

''(I) the amount of unpaid principal and the amount of interest that has accrued since the last statement of such amounts provided to the borrower by the lender;

''(II) the fact that interest will accrue on the loan for the period of forbearance;

''(III) the amount of interest that will be capitalized, and the date on which capitalization will occur;

''(IV) the ability of the borrower to pay the interest that has accrued before the interest is capitalized; and

''(V) the borrower's option to discontinue the forbearance at any time.''.

SEC. 422. FEDERAL CONSOLIDATION LOANS.

(a) AMENDMENTS.—Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

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

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

''(F) that the lender will disclose, in a clear and conspicuous manner, to borrowers who consolidate loans made under part E of this title—

''(i) that once the borrower adds the borrower's Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those periods when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;

''(ii) that the borrower will no longer be eligible for loan cancellation of Federal Perkins Loans under any provision of section 465; and

''(iii) the occupations described in section 465(a)(2), individually and in detail, for which the borrower will lose eligibility for Federal Perkins Loan cancellation; and

''(G) that the lender shall, upon application for a consolidation loan, provide the borrower with information about the possible impact of loan consolidation, including—

''(i) the total interest to be paid and fees to be paid on the consolidation loan, and the length of repayment for the loan;

''(ii) whether consolidation would result in a loss of loan benefits under this part or part D, including loan forgiveness, cancellation, and deferment;

''(iii) in the case of a borrower that plans to include a Federal Perkins Loan under part E in the consolidation loan, that once the borrower adds the borrower's Federal Perkins Loan to a consolidation loan—

''(I) the borrower will lose all interest–free periods that would have been available for such loan under part E, such as the periods during which no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, the grace period, and the periods during which the borrower's student loan repayments are deferred under section 464(c)(2); and

''(II) the borrower will no longer be eligible for cancellation of part or all of a Federal Perkins loan under section 465(a);

''(iv) the ability of the borrower to prepay the consolidation loan, pay such loan on a shorter schedule, and to change repayment plans;

''(v) that borrower benefit programs for a consolidation loan may vary among different lenders;

''(vi) the consequences of default on the consolidation loan; and

''(vii) that by applying for a consolidation loan, the borrower is not obligated to agree to take the consolidation loan; and''.

(b) CONFORMING AMENDMENT.—Section 455(g) (20 U.S.C. 1087e(g)) is amended by striking ''428C(b)(1)(F)'' and inserting ''428C(b)(1)(H)''.

SEC. 423. DEFAULT REDUCTION PROGRAM.

Section 428F (20 U.S.C. 1078–6) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by adding at the end the following: ''Upon the sale of the loan to an eligible lender, the guaranty agency, and any prior holder of the loan, shall request any consumer reporting agency to which the guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of default from the borrower's credit history.''; and

(B) by adding at the end the following:

''(5) LIMITATION.—A borrower may obtain the benefits available under this subsection with respect to rehabilitating a loan only one time per loan.''; and

(2) by adding at the end the following:

''(c) FINANCIAL AND ECONOMIC LITERACY.—Where appropriate as determined by the institution of higher education in which a borrower is enrolled, each program described in subsection (b) shall include making available financial and economic education materials for the borrower, including making the materials available before, during, or after rehabilitation of a loan.''.

SEC. 424. REPORTS TO CONSUMER REPORTING AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION.

Section 430A (20 U.S.C. 1080a) is amended—

(1) in the section heading, by striking ''credit bureaus'' and inserting ''**CONSUMER REPORTING AGENCIES**''; and

(2) in subsection (a)—

(A) in the first sentence, by striking ''with credit bureau organizations'' and inserting ''with each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p))'';

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)), the following:

''(1) the type of loan made, insured, or guaranteed under this title;'';

(D) by inserting after paragraph (2) (as redesignated by subparagraph (B)), the following:

''(3) information concerning the repayment status of the loan, which information shall be included in the file of the borrower, except that nothing in this subsection shall be construed to affect any otherwise applicable provision of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)'';

(E) in paragraph (4) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(F) in paragraph (5) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(G) by adding at the end the following:

''(6) any other information required to be reported by Federal law.''.

SEC. 425. COMMON FORMS AND FORMATS.

Section 432(m)(1)(D)(i) (20 U.S.C. 1082(m)(1)(D)(i)) is amended by adding at the end the following: ''Unless otherwise notified by the Secretary, each institution of higher education that participates in the program under this part or part D may use a master promissory note for loans under this part and part D.''.

SEC. 426. STUDENT LOAN INFORMATION BY ELIGIBLE LENDERS.

Section 433 (20 U.S.C. 1083) is amended by adding at the end the following:

''(f) BORROWER INFORMATION AND PRIVACY.—Each entity participating in a program under this part that is subject to subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) shall only use, release, disclose, sell, transfer, or give student information, including the name, address, social security number, or amount borrowed by a borrower or a borrower's parent, in accordance with the provisions of such subtitle.

''(g) LOAN BENEFIT DISCLOSURES.—

''(1) IN GENERAL.—Each eligible lender, holder, or servicer of a loan made, insured, or guaranteed under this part shall provide the borrower with information on the loan benefit repayment options the lender, holder, or servicer offer, including information on reductions in interest rates—

''(A) by repaying the loan by automatic payroll or checking account deduction;

''(B) by completing a program of on-time repayment; and

''(C) under any other interest rate reduction program.

''(2) INFORMATION.—Such borrower information shall include—

''(A) any limitations on such options;

''(B) explicit information on the reasons a borrower may lose eligibility for such an option;

''(C) examples of the impact the interest rate reductions will have on a borrower's time for repayment and amount of repayment;

''(D) upon the request of the borrower, the effect the reductions in interest rates will have with respect to the borrower's payoff amount and time for repayment; and

''(E) information on borrower recertification requirements.''.

SEC. 427. CONSUMER EDUCATION INFORMATION.

Part B (20 U.S.C. 1071 et seq.) is amended by inserting after section 433 (20 U.S.C. 1083) the following:

''SEC. 433A. CONSUMER EDUCATION INFORMATION.

''Each guaranty agency participating in a program under this part, working with the institutions of higher education served by such guaranty agency (or in the case of an institution of higher education that provides loans exclusively through part D, the institution working with a guaranty agency or with the Secretary), shall develop and make available a high-quality educational program and materials to provide training for students in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using very high interest loans to pay for postsecondary education, particularly as budgeting and financial management relates to student loan programs authorized by this title. Nothing in this section shall be construed to prohibit a guaranty agency from using an existing program or existing materials to meet the requirement of this section. The activities described in this section shall be considered default reduction activities for the purposes of section 422.''.

SEC. 428. DEFINITION OF ELIGIBLE LENDER.

Section 435(d) (20 U.S.C. 1085(d)) is amended—

(1) in paragraph (5)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (H) and (I), respectively; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

''(A) offered, directly or indirectly, points, premiums, payments (including payments for referrals and for processing or finder fees), prizes, stock or other securities, travel, entertainment expenses, tuition repayment, the provision of information technology equipment at below-market value, additional financial aid funds, or other inducements to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part;

''(B) conducted unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary school or postsecondary institutions, or to parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans under this part from such lender;

''(C) entered into any type of consulting arrangement, or other contract to provide services to a lender, with an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution;

''(D) compensated an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, and who is serving on an advisory board, commission, or group established by a lender or group of lenders for providing such service, except that the eligible lender may reimburse such employee for reasonable expenses incurred in providing such service;

''(E) performed for an institution of higher education any function that the institution of higher education is required to carry out under part B, D, or G;

''(F) paid, on behalf of an institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G;

''(G) provided payments or other benefits to a student at an institution of higher education to act as the lender's representative to secure applications under this title from individual prospective borrowers, unless such student—

''(i) is also employed by the lender for other purposes; and

''(ii) made all appropriate disclosures regarding such employment;''; and

(2) by adding at the end the following:

''(8) SUNSET OF AUTHORITY FOR SCHOOL AS LENDER PROGRAM.—

''(A) SUNSET.—The authority provided under subsection (d)(1)(E) for an institution to serve as an eligible lender, and under paragraph (7) for an eligible lender to serve as a trustee for an institution of higher education or an organization affiliated with an institution of higher education, shall expire on June 30, 2012.

''(B) APPLICATION TO EXISTING INSTITUTIONAL LENDERS.—An institution that was an eligible lender under this subsection, or an eligible lender that served as a trustee for an institution of higher education or an organization affiliated with an institution of higher education under paragraph (7), before June 30, 2012, shall—

''(i) not issue any new loans in such a capacity under part B after June 30, 2012; and

''(ii) continue to carry out the institution's responsibilities for any loans issued by the institution under part B on or before June 30, 2012, except that, beginning on June 30, 2011, the eligible institution or trustee may, notwithstanding any other provision of this Act, sell or otherwise dispose of such loans if all profits from the divestiture are used for need-based grant programs at the institution.

''(C) AUDIT REQUIREMENT.—All institutions serving as an eligible lender under subsection (d)(1)(E) and all eligible lenders serving as a trustee for an institution of higher education or an organization affiliated with an institution of higher education shall annually complete and submit to the Secretary a compliance audit to determine whether—

''(i) the institution or lender is using all proceeds from special allowance payments and interest payments from borrowers, interest subsidies received from the Department, and any proceeds from the sale or other disposition of loans, for need-based aid programs, in accordance with section 435(d)(2)(A)(viii);

''(ii) the institution or lender is using no more than a reasonable portion of the proceeds described in section 435(d)(2)(A)(viii) for direct administrative expenses; and

''(iii) the institution or lender is ensuring that the proceeds described in section 435(d)(2)(A)(viii) are being used to supplement, and not to supplant, non-Federal funds that would otherwise be used for need-based grant programs.''.

SEC. 429. DISCHARGE AND CANCELLATION RIGHTS IN CASES OF DISABILITY.

(a) FFEL AND DIRECT LOANS.—Section 437(a) (20 U.S.C. 1087) is amended—

(1) by inserting '', or if a student borrower who has received such a loan is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months'' after ''of the Secretary),''; and

(2) by adding at the end the following: ''The Secretary may develop such safeguards as the Secretary determines necessary to prevent fraud and abuse in the discharge of liability under this subsection. Notwithstanding any other provision of this subsection, the Secretary may promulgate regulations to resume collection on loans discharged under this subsection in any case in which—

''(1) a borrower received a discharge of liability under this subsection and after the discharge the borrower—

''(A) receives a loan made, insured or guaranteed under this title; or

''(B) has earned income in excess of the poverty line; or

''(2) the Secretary determines necessary.''.

(b) PERKINS.—Section 464(c) (20 U.S.C. 1087dd(c)) is amended—

(1) in paragraph (1)(F)—

(A) by striking ''or if he'' and inserting ''if the borrower''; and

(B) by inserting '', or if the borrower is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months'' after ''the Secretary''; and

(2) by adding at the end the following:

''(8) The Secretary may develop such additional safeguards as the Secretary determines necessary to prevent fraud and abuse in the cancellation of liability under paragraph (1)(F). Notwithstanding paragraph (1)(F), the Secretary may promulgate regulations to resume collection on loans cancelled under paragraph (1)(F) in any case in which—

''(A) a borrower received a cancellation of liability under paragraph (1)(F) and after the cancellation the borrower—

''(i) receives a loan made, insured or guaranteed under this title; or

''(ii) has earned income in excess of the poverty line; or

''(B) the Secretary determines necessary.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2008.

PART C—FEDERAL WORK-STUDY PROGRAMS

SEC. 441. AUTHORIZATION OF APPROPRIATIONS.

Section 441(b) (42 U.S.C. 2751(b)) is amended by striking ''$1,000,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 442. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 443. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.

Section 443(b)(2) (42 U.S.C. 2753(b)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(3) in subparagraph (A) (as redesignated by paragraph (2)), by striking ''this subparagraph if'' and all that follows through ''institution;'' and inserting ''this subparagraph if—

''(i) the Secretary determines that enforcing this subparagraph would cause hardship for students at the institution; or

''(ii) the institution certifies to the Secretary that 15 percent or more of its total full-time enrollment participates in community service activities described in section 441(c) or tutoring and literacy activities described in subsection (d) of this section;''.

SEC. 444. JOB LOCATION AND DEVELOPMENT PROGRAMS.

Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended by striking ''$50,000'' and inserting ''$75,000''.

SEC. 445. WORK COLLEGES.

Section 448 (42 U.S.C. 2756b) is amended—

(1) in subsection (a), by striking ''work-learning'' and inserting ''work-learning-service'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''under subsection (f)'' and inserting ''for this section under section 441(b)''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''pursuant to subsection (f)'' and inserting ''for this section under section 441(b)'';

(ii) in subparagraph (A), by striking ''work-learning program'' and inserting ''comprehensive work-learning-service program'';

(iii) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;

(iv) by inserting after subparagraph (B) the following:

''(C) support existing and new model student volunteer community service projects associated with local institutions of higher education, such as operating drop-in resource centers that are staffed by students and that link people in need with the resources and opportunities necessary to become self-sufficient; and'';

(v) in subparagraph (E) (as redesignated by clause (iii)), by striking ''work-learning'' each place the term occurs and inserting ''work-learning-service''; and

(vi) in subparagraph (F) (as redesignated by clause (iii)), by striking ''work service learning'' and inserting ''work-learning-service'';

(3) in subsection (c), by striking ''by subsection (f) to use funds under subsection (b)(1)'' and inserting ''for this section under section 441(b) or to use funds under subsection (b)(1),'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''4-year, degree-granting'' after ''nonprofit'';

(ii) in subparagraph (B), by striking ''work-learning'' and inserting ''work-learning-service'';

(iii) by striking subparagraph (C) and inserting the following:

''(C) requires all resident students, including at least ½ of all resident students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for not less than 5 hours each week, or not less than 80 hours during each period of enrollment except summer school, unless the student is engaged in a study abroad or externship program that is organized or approved by the institution; and''; and

(iv) in subparagraph (D), by striking ''work-learning'' and inserting ''work-learning-service''; and

(B) by striking paragraph (2) and inserting the following:

''(2) the term 'comprehensive work-learning-service program' means a student work-learning-service program that—

''(A) is an integral and stated part of the institution's educational philosophy and program;

''(B) requires participation of all resident students for enrollment and graduation;

''(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

''(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

''(E) recognizes the educational role of work-learning-service supervisors; and

''(F) includes consequences for nonperformance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program.''; and

(5) by striking subsection (f).

PART D—FEDERAL PERKINS LOANS

SEC. 451. PROGRAM AUTHORITY.

Section 461(b)(1) (20 U.S.C. 1087aa(b)(1)) is amended by striking ''$250,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 2008 through 2012.''.

SEC. 451A. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 451B. PERKINS LOAN FORBEARANCE.

Section 464 (20 U.S.C. 1087dd) is amended—

(1) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking '', upon written request,'' and inserting '', as documented in accordance with paragraph (2),'';

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by inserting ''(1)'' after ''FORBEARANCE.—''; and

(D) by adding at the end the following:

''(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

''(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

''(B) recording the terms in the borrower's file.''; and

(2) in subsection (j), by striking ''(e)(3)'' and inserting ''(e)(1)(C)''.

SEC. 452. CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE.

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''Head Start Act which'' and inserting ''Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that'';

(B) in subparagraph (H), by striking ''or'' after the semicolon;

(C) in subparagraph (I), by striking the period and inserting a semicolon; and

(D) by inserting before the matter following subparagraph (I) (as amended by subparagraph (C)) the following:

''(J) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

''(K) as a librarian, if the librarian has a master's degree in library science and is employed in—

''(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(L) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965.''; and

(2) in paragraph (3)(A)—

(A) in clause (i)—

(i) by inserting ''(D),'' after ''(C),''; and

(ii) by striking ''or (I)'' and inserting ''(I), (J), (K), or (L)'';

(B) in clause (ii), by inserting ''or'' after the semicolon;

(C) by striking clause (iii); and

(D) by redesignating clause (iv) as clause (iii).

PART E—NEED ANALYSIS

SEC. 461. COST OF ATTENDANCE.

(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087kk(3)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:

''(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 462. DEFINITIONS.

(a) AMENDMENT.—Section 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting '', except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded'' before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

SEC. 471. DEFINITIONS.

Section 481(a)(2)(B) (20 U.S.C. 1088(a)(2)(B)) is amended by inserting ''and that measures program length in credit hours or clock hours'' after ''baccalaureate degree''.

SEC. 472. COMPLIANCE CALENDAR.

Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:

''(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—

''(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

''(2) the required recipients of each report or disclosure;

''(3) any required method for transmittal or dissemination of each report or disclosure;

''(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

''(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

''(6) any other information which is pertinent to the content or distribution of the report or disclosure.''.

SEC. 473. FORMS AND REGULATIONS.

Section 483 (20 U.S.C. 1090) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—

''(1) IN GENERAL.—

''(A) COMMON FORMS.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used to determine the need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A). The forms shall be made available to applicants in both paper and electronic formats.

''(B) FAFSA.—The common financial reporting forms described in this subsection (excluding the form described in paragraph (2)(B)), shall be referred to collectively as the 'Free Application for Federal Student Aid', or 'FAFSA'.

''(2) PAPER FORMAT.—

''(A) IN GENERAL.—The Secretary shall encourage applicants to file the electronic versions of the forms described in paragraph (3), but shall develop, make available, and process—

''(i) a paper version of EZ FAFSA, as described in subparagraph (B); and

''(ii) a paper version of the other forms described in this subsection, in accordance with subparagraph (C), for any applicant who does not meet the requirements of or does not wish to use the process described in subparagraph (B).

''(B) EZ FAFSA.—

''(i) IN GENERAL.—The Secretary shall develop and use, after appropriate field testing, a simplified paper application form for applicants meeting the requirements of section 479(c), which form shall be referred to as the 'EZ FAFSA'.

''(ii) REQUIRED FEDERAL DATA ELEMENTS.—The Secretary shall include on the EZ

FAFSA only the data elements required to determine student eligibility and whether the applicant meets the requirements of section 479(c).

''(iii) REQUIRED STATE DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the EZ FAFSA.

''(iv) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the EZ FAFSA.

''(C) PHASE-OUT OF FULL PAPER FAFSA.—

''(i) PHASE-OUT OF PRINTING OF FULL PAPER FAFSA.—At such time as the Secretary determines that it is not cost-effective to print the full paper version of FAFSA, the Secretary shall—

''(I) phase out the printing of the full paper version of FAFSA;

''(II) maintain on the Internet easily accessible, downloadable formats of the full paper version of FAFSA; and

''(III) provide a printed copy of the full paper version of FAFSA upon request.

''(ii) USE OF SAVINGS.—The Secretary shall utilize any savings realized by phasing out the printing of the full paper version of FAFSA and moving applicants to the electronic versions of FAFSA, to improve access to the electronic versions for applicants meeting the requirements of section 479(c).

''(3) ELECTRONIC VERSIONS.—

''(A) IN GENERAL.—The Secretary shall produce, make available through a broadly available website, and process electronic versions of the FAFSA and the EZ FAFSA.

''(B) MINIMUM QUESTIONS.—The Secretary shall use all available technology to ensure that a student using an electronic version of the FAFSA under this paragraph answers only the minimum number of questions necessary.

''(C) REDUCED REQUIREMENTS.—The Secretary shall enable applicants who meet the requirements of subsection (b) or (c) of section 479 to provide information on the electronic version of the FAFSA only for the data elements required to determine student eligibility and whether the applicant meets the requirements of subsection (b) or (c) of section 479.

''(D) STATE DATA.—The Secretary shall include on the electronic version of the FAFSA the questions needed to determine whether the applicant is eligible for State financial assistance, as provided under paragraph (5), except that the Secretary shall not—

''(i) require applicants to complete data required by any State other than the applicant's State of residence; and

''(ii) include a State's data if such State does not permit its applicants for State assistance to use the electronic version of the FAFSA described in this paragraph.

''(E) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the electronic version of the FAFSA.

''(F) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the electronic versions of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, a guaranty agency, a State grant agency, a private computer software provider, a consortium of such entities, or such other entity as the Secretary may designate. Data collected by the electronic versions of such forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic versions of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

''(G) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using an electronic version of a form developed by the Secretary under this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the form.

''(H) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic version of a form developed under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (I).

''(I) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary is authorized to assign to an applicant a personal identification number—

''(i) to enable the applicant to use such number as a signature for purposes of completing an electronic version of a form developed under this paragraph; and

''(ii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

''(J) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement a real-time data match between the Social Security Administration and the Department to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.

''(4) STREAMLINED REAPPLICATION PROCESS.—

''(A) IN GENERAL.—The Secretary shall develop streamlined paper and electronic reapplication forms and processes for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to an academic year for which such applicant applied for financial assistance under this title.

''(B) UPDATING OF DATA ELEMENTS.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that may be transferred from the previous academic year's application and those data elements that shall be updated.

''(C) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

''(D) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except data that are necessary to determine eligibility under such section.

''(5) STATE REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in paragraphs (2)(B)(iii), (3)(D), and (4)(B), the Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for need-based State aid. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection. The number of such data items shall not be less than the number included on the common financial reporting form for the 2005–2006 award year unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

''(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review to determine—

''(i) which data items each State requires to award need-based State aid; and

''(ii) if the State will permit an applicant to file a form described in paragraph (2)(B) or (3)(C).

''(C) USE OF SIMPLIFIED APPLICATION FORMS ENCOURAGED.—The Secretary shall encourage States to take such steps as are necessary to encourage the use of simplified forms under this subsection, including those forms described in paragraphs (2)(B) and (3)(C), for applicants who meet the requirements of subsection (b) or (c) of section 479.

''(D) CONSEQUENCES IF STATE DOES NOT ACCEPT SIMPLIFIED FORMS.—If a State does not permit an applicant to file a form described in paragraph (2)(B) or (3)(C) for purposes of determining eligibility for State need-based financial aid, the Secretary may determine that State-specific questions for such State will not be included on a form described in paragraph (2)(B) or (3)(B). If the Secretary makes such determination, the Secretary shall advise the State of the Secretary's determination.

''(E) LACK OF STATE RESPONSE TO REQUEST FOR INFORMATION.—If a State does not respond to the Secretary's request for information under subparagraph (B), the Secretary shall—

''(i) permit residents of that State to complete simplified forms under paragraphs (2)(B) and (3)(B); and

''(ii) not require any resident of such State to complete any data items previously required by that State under this section.

''(F) RESTRICTION.—The Secretary shall not require applicants to complete any financial or non-financial data items that are not required—

''(i) by the applicant's State; or

''(ii) by the Secretary.

''(6) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The need and eligibility of a student for financial assistance under parts A through E (other than under subpart 4 of part A) may be determined only by using a form developed by the Secretary under this subsection. Such forms shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor, a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of financial aid through the use of such forms. No data collected on a paper or electronic version of a form developed under this subsection, or other document that was created to replace, or used to complete, such a form, and for which a fee was paid, shall be used.

''(7) RESTRICTIONS ON USE OF PIN.—No person, commercial entity, or other entity shall request, obtain, or utilize an applicant's personal identification number assigned under paragraph (3)(I) for purposes of submitting a form developed under this subsection on an applicant's behalf.

''(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit forms developed under this subsection and initiate the processing of such forms under this subsection, as early as practicable prior to January 1 of the student's planned year of enrollment.

''(9) EARLY ESTIMATES OF EXPECTED FAMILY CONTRIBUTIONS.—The Secretary shall permit an applicant to complete a form described in this subsection in the years prior to enrollment in order to obtain from the Secretary a nonbinding estimate of the applicant's expected family contribution, computed in accordance with part F. Such applicant shall be permitted to update information submitted on a form described in this subsection using the process required under paragraph (4).

''(10) DISTRIBUTION OF DATA.—Institutions of higher education, guaranty agencies, and States shall receive, without charge, the data collected by the Secretary using a form developed under this subsection for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards. Entities designated by institutions of higher education, guaranty agencies, or States to receive such data shall be subject to all the requirements of this section, unless such requirements are waived by the Secretary.

''(11) THIRD PARTY SERVICERS AND PRIVATE SOFTWARE PROVIDERS.—To the extent practicable and in a timely manner, the Secretary shall provide, to private organizations and consortia that develop software used by institutions of higher education for the administration of funds under this title, all the necessary specifications that the organizations and consortia must meet for the software the organizations and consortia develop, produce, and distribute (including any diskette, modem, or network communications) which are so used. The specifications shall contain record layouts for required data. The Secretary shall develop in advance of each processing cycle an annual schedule for providing such specifications. The Secretary, to the extent practicable, shall use multiple means of providing such specifications, including conferences and other meetings, outreach, and technical support mechanisms (such as training and printed reference materials). The Secretary shall, from time to time, solicit from such organizations and consortia means of improving the support provided by the Secretary.

''(12) PARENT'S SOCIAL SECURITY NUMBER AND BIRTH DATE.—The Secretary is authorized to include space on the forms developed under this subsection for the social security number and birth date of parents of dependent students seeking financial assistance under this title.'';

(2) by redesignating subsections (c) through (e) (as amended by section 101(b)(11)) as subsections (b) through (d), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking ''that is authorized'' and all that follows through the period at the end and inserting ''or other appropriate provider of technical assistance and information on postsecondary educational services that is authorized under section 663(a) of the Individuals with Disabilities Education Act. Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall test and implement, to the extent practicable, a toll-free telephone based system to permit applicants who meet the requirements of 479(c) to submit an application over such system.'';

(4) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) ASSISTANCE IN PREPARATION OF FINANCIAL AID APPLICATION.—

''(1) PREPARATION AUTHORIZED.—Notwithstanding any provision of this Act, an applicant may use a preparer for consultative or preparation services for the completion of a form developed under subsection (a) if the preparer satisfies the requirements of this subsection.

''(2) PREPARER IDENTIFICATION REQUIRED.—If an applicant uses a preparer for consultative or preparation services for the completion of a form developed under subsection (a), the preparer shall include the name, signature, address or employer's address, social security number or employer identification number, and organizational affiliation of the preparer on the applicant's form.

''(3) ADDITIONAL REQUIREMENTS.—A preparer that provides consultative or preparation services pursuant to this subsection shall—

''(A) clearly inform each individual upon initial contact, including contact through the Internet or by telephone, that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

''(B) include in any advertising clear and conspicuous information that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

''(C) if advertising or providing any information on a website, or if providing services through a website, include on the website a link to the website described in subsection (a)(3) that provides the electronic versions of the forms developed under subsection (a);

''(D) refrain from producing or disseminating any form other than the forms developed by the Secretary under subsection (a); and

''(E) not charge any fee to any individual seeking services who meets the requirements of subsection (b) or (c) of section 479.

''(4) SPECIAL RULE.—Nothing in this Act shall be construed to limit preparers of the financial reporting forms required to be made under this title that meet the requirements of this subsection from collecting source information from a student or parent, including Internal Revenue Service tax forms, in providing consultative and preparation services in completing the forms.''; and

(5) by adding at the end the following:

''(e) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—

''(1) PURPOSE.—The purpose of the demonstration program implemented under this subsection is to determine the feasibility of implementing a comprehensive early application and notification system for all dependent students and to measure the benefits and costs of such a system.

''(2) PROGRAM AUTHORIZED.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement an early application demonstration program enabling dependent students who wish to participate in the program—

''(A) to complete an application under this subsection during the academic year that is 2 years prior to the year such students plan to enroll in an institution of higher education; and

''(B) based on the application described in subparagraph (A), to obtain, not later than 1 year prior to the year of the students' planned enrollment, information on eligibility for Federal Pell Grants, Federal student loans under this title, and State and institutional financial aid for the student's first year of enrollment in an the institution of higher education.

''(3) EARLY APPLICATION AND AWARD.—For all dependent students selected for participation in the demonstration program who submit a completed FAFSA, or, as appropriate, an EZ FAFSA, 2 years prior to the year such students plan to enroll in an institution of higher education, the Secretary shall, not later than 1 year prior to the year of such planned enrollment—

''(A) provide each student who meets the requirements under section 479(c) with a determination of such student's—

''(i) expected family contribution for the first year of the student's enrollment in an institution of higher education; and

''(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application;

''(B) provide each student who does not meet the requirements under section 479(c) with an estimate of such student's—

''(i) expected family contribution for the first year of the student's planned enrollment; and

''(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application; and

''(C) remind the students of the need to update the students' information during the calendar year of enrollment using the expedited reapplication process provided for in subsection (a)(4).

''(4) PARTICIPANTS.—The Secretary shall include, as participants in the demonstration program—

''(A) States selected through the application process described in paragraph (5);

''(B) institutions of higher education within the selected States that are interested in participating in the demonstration program, and that can make estimates or commitments of institutional student financial aid, as appropriate, to students the year before the students' planned enrollment date; and

''(C) secondary schools within the selected States that are interested in participating in the demonstration program, and can commit resources to—

''(i) advertising the availability of the program;

''(ii) identifying students who might be interested in participating in the program;

''(iii) encouraging such students to apply; and

''(iv) participating in the evaluation of the program.

''(5) APPLICATIONS.—States that are interested in participating in the demonstration program shall submit an application, to the Secretary at such time, in such form, and containing such information as the Secretary shall require. The application shall include—

''(A) information on the amount of the State's need-based student financial assistance available, and the eligibility criteria for receiving such assistance;

''(B) a commitment to make, not later than the year before the dependent students participating in the demonstration program plan to enroll in an institution of higher education—

''(i) determinations of State financial aid awards to dependent students participating in the program who meet the requirements of section 479(c); and

''(ii) estimates of State financial aid awards to other dependent students participating in the program;

''(C) a plan for recruiting institutions of higher education and secondary schools with different demographic characteristics to participate in the program;

''(D) a plan for selecting institutions of higher education and secondary schools to participate in the program that—

''(i) demonstrate a commitment to encouraging students to submit a FAFSA, or, as appropriate, an EZ FAFSA, 2 years before the students' planned date of enrollment in an institution of higher education;

''(ii) serve different populations of students;

''(iii) in the case of institutions of higher education—

''(I) to the extent possible, are of varying types and control; and

''(II) commit to making, not later than the year prior to the year that dependent students participating in the demonstration program plan to enroll in the institution—

''(aa) institutional awards to participating dependent students who meet the requirements of section 479(c);

''(bb) estimates of institutional awards to other participating dependent students; and

''(cc) expected or tentative awards of grants or other financial aid available under this title (including supplemental grants under subpart 3 of part A), for all participating dependent students, along with information on State awards, as provided to the institution by the State;

''(E) a commitment to participate in the evaluation conducted by the Secretary; and

''(F) such other information as the Secretary may require.

''(6) SPECIAL PROVISIONS.—

''(A) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—A financial aid administrator at an institution of higher education participating in a demonstration program under this subsection may use the discretion provided under section 479A as necessary in awarding financial aid to students participating in the demonstration program.

''(B) WAIVERS.—The Secretary is authorized to waive, for an institution participating in the demonstration program, any requirements under the title, or regulations prescribed under this title, that would make the demonstration program unworkable, except that the Secretary shall not waive any provisions with respect to the maximum award amounts for grants and loans under this title.

''(7) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States, institutions of higher education, and secondary schools of the demonstration program.

''(8) EVALUATION.—The Secretary shall conduct a rigorous evaluation of the demonstration program to measure the program's benefits and adverse effects, as the benefits and effects relate to the purpose of the program described in paragraph (1). In conducting the evaluation, the Secretary shall—

''(A) identify whether receiving financial aid awards or estimates, as applicable, 1 year prior to the year in which the student plans to enroll in an institution of higher education, has a positive impact on the higher education aspirations and plans of such student;

''(B) measure the extent to which using a student's income information from the year that is 2 years prior to the student's planned enrollment date had an impact on the ability of States and institutions to make financial aid awards and commitments;

''(C) determine what operational changes would be required to implement the program on a larger scale;

''(D) identify any changes to Federal law that would be necessary to implement the program on a permanent basis; and

''(E) identify the benefits and adverse effects of providing early awards or estimates on program costs, program operations, program integrity, award amounts, distribution, and delivery of aid.

''(9) CONSULTATION.—The Secretary shall consult, as appropriate, with the Advisory Committee on Student Financial Assistance established under section 491 on the design, implementation, and evaluation of the demonstration program.

''(f) USE OF IRS DATA AND REDUCED INCOME AND ASSET INFORMATION TO DETERMINE ELIGIBILITY FOR STUDENT FINANCIAL AID.—

''(1) FORMATION OF STUDY GROUP.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General of the United States and the Secretary of Education shall convene a study group whose membership shall include the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, representatives of institutions of higher education with expertise in Federal and State financial aid assistance, State chief executive officers of higher education with a demonstrated commitment to simplifying the FAFSA, and such other individuals as the Comptroller General and the Secretary of Education may designate.

''(2) STUDY REQUIRED.—The Comptroller General and the Secretary, in consultation with the study group convened under paragraph (1), shall design and conduct a study to identify and evaluate the means of simplifying the process of applying for Federal financial aid available under this title. The study shall focus on developing alternative approaches for calculating the expected family contribution that use substantially less income and asset data than the methodology currently used, as of the time of the study, for determining the expected family contribution.

''(3) OBJECTIVES OF STUDY.—The objectives of the study required under paragraph (2) are—

''(A) to shorten the FAFSA and make it easier and less time-consuming to complete, thereby increasing higher education access for low-income students;

''(B) to examine the feasibility, and evaluate the costs and benefits, of using income data from the Internal Revenue Service to pre-populate the electronic version of the FAFSA;

''(C) to determine ways in which to provide reliable information on the amount of Federal grant aid and financial assistance a student can expect to receive, assuming constant income, 2 to 3 years before the student's enrollment; and

''(D) to simplify the process for determining eligibility for student financial aid without causing significant redistribution of Federal grants and subsidized loans under this title.

''(4) REQUIRED SUBJECTS OF STUDY.—The study required under paragraph (2) shall consider—

''(A) how the expected family contribution of a student could be calculated using substantially less income and asset information than the approach currently used, as of the time of the study, to calculate the expected family contribution without causing significant redistribution of Federal grants and subsidized loans under this title, State aid, or institutional aid, or change in the composition of the group of recipients of such aid, which alternative approaches for calculating the expected family contribution shall, to the extent practicable—

''(i) rely mainly, in the case of students and parents who file income tax returns, on information available on the 1040, 1040EZ, and 1040A; and

''(ii) include formulas for adjusting income or asset information to produce similar results to the existing approach with less data;

''(B) how the Internal Revenue Service can provide income and other data needed to compute an expected family contribution for taxpayers and dependents of taxpayers to the Secretary of Education, and when in the application cycle the data can be made available;

''(C) whether data provided by the Internal Revenue could be used to—

''(i) prepopulate the electronic version of the FAFSA with student and parent taxpayer data; or

''(ii) generate an expected family contribution without additional action on the part of the student and taxpayer;

''(D) the extent to which the use of income data from 2 years prior to a student's planned enrollment date would change the expected family contribution computed in accordance with part F, and potential adjustments to the need analysis formula that would minimize the change;

''(E) the extent to which States and institutions would accept the data provided by the Internal Revenue Service to prepopulate the electronic version of the FAFSA in determining the distribution of State and institutional student financial aid funds;

''(F) the changes to the electronic version of the FAFSA and verification processes that would be needed or could be made if Internal Revenue Service data were used to prepopulate such electronic version;

''(G) the data elements currently collected, as of the time of the study, on the FAFSA that are needed to determine eligibility for student aid, or to administer Federal student financial aid programs, but are not needed to compute an expected family contribution, such as whether information regarding the student's citizenship or permanent residency status, registration for selective service, or driver's license number could be reduced without adverse effects;

''(H) additional steps that can be taken to simplify the financial aid application process for students who (or, in the case of dependent students, whose parents) are not required to file an income tax return for the prior taxable year;

''(I) information on the State need for and usage of the full array of income, asset, and other information currently collected, as of the time of the study, on the FAFSA, including analyses of—

''(i) what data are currently used by States to determine eligibility for State student financial aid, and whether the data are used for merit or need-based aid;

''(ii) the extent to which the full array of income and asset information currently collected on the FAFSA play an important role in the awarding of need-based State financial aid, and whether the State could use income and asset information that was more limited to support determinations of eligibility for such State aid programs;

''(iii) whether data are required by State law, State regulations, or policy directives;

''(iv) what State official has the authority to advise the Department on what the State requires to calculate need-based State student financial aid;

''(v) the extent to which any State-specific information requirements could be met by completion of a State application linked to the electronic version of the FAFSA; and

''(vi) whether the State can use, as of the time of the study, or could use, a student's expected family contribution based on data from 2 years prior to the student's planned enrollment date and a calculation with reduced data elements and, if not, what additional information would be needed or what changes would be required; and

''(J) information on institutional needs, including the extent to which institutions of higher education are already using supplemental forms to collect additional data from students and their families to determine eligibility for institutional funds.

''(5) USE OF DATA FROM THE INTERNAL REVENUE SERVICE TO PREPOPULATE FAFSA FORMS.—After the study required under this subsection has been completed, the Secretary may use Internal Revenue Service data to prepopulate the electronic version of

the FAFSA if the Secretary, in a joint decision with the Secretary of Treasury, determines that such use will not significantly negatively impact students, institutions of higher education, States, or the Federal Government based on each of the following criteria:

''(A) Program costs.

''(B) Redistributive effects on students.

''(C) Accuracy of aid determinations.

''(D) Reduction of burden to the FAFSA filers.

''(E) Whether all States and institutions that currently accept the Federal aid formula accept the use of data from 2 years prior to the date of a student's planned enrollment in an institution of higher education to award Federal, State, and institutional aid, and as a result will not require students to complete any additional forms to receive this aid.

''(6) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance established under section 491 as appropriate in carrying out this subsection.

''(7) REPORT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General and the Secretary shall prepare and submit a report on the results of the study required under this subsection to the authorizing committees.''.

SEC. 474. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (d), by adding at the end the following:

''(4) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education, upon satisfactory completion of 6 credit hours or the equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.'';

(2) by striking subsection (l) and inserting the following:

''(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

''(1) RELATION TO CORRESPONDENCE COURSES.—

''(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

''(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

''(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

''(3) SPECIAL RULE.—For award years prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.''; and

(3) by adding at the end the following:

''(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—Notwithstanding subsection (a), in order to receive any grant or work assistance under subparts 1 and 3 of part A and part C of this title, a student with an intellectual disability shall—

''(1) be an individual with an intellectual disability whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning;

''(2)(A) be a student eligible for assistance under the Individuals with Disabilities Education Act who has completed secondary school; or

''(B) be an individual who is no longer eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State provides a free appropriate public education;

''(3) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program that—

''(A) is designed for students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at the institution in order to prepare for gainful employment and independent living;

''(B) includes an advising and curriculum structure;

''(C) requires students to participate on at least a half-time basis, as determined by the institution; or

''(D) includes—

''(i) regular enrollment in courses offered by the institution;

''(ii) auditing or participating in courses offered by the institution for which the student does not receive regular academic credit;

''(iii) enrollment in noncredit, nondegree courses;

''(iv) participation in internships; or

''(v) a combination of 2 or more of the activities described in clauses (i) through (iv);

''(4) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

''(5) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take affect on July 1, 2008.

SEC. 475. STATUTE OF LIMITATIONS AND STATE COURT JUDGMENTS.

Section 484A (20 U.S.C. 1091a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy.''; and

(2) by adding at the end the following:

''(d) SPECIAL RULE.—This section shall not apply in the case of a student who is deceased or to a deceased student's estate or the estate of such student's family. If a student is deceased, then the student's estate or the estate of the student's family shall not be required to repay any financial assistance under this title, including interest paid on the student's behalf, collection costs, or other charges specified in this title.''.

SEC. 476. INSTITUTIONAL REFUNDS.

(a) AMENDMENT.—Section 484B(c)(2) (20 U.S.C. 1091B(c)(2)) is amended by striking ''may determine the appropriate withdrawal date.'' and inserting ''may determine—

''(A) the appropriate withdrawal date; and

''(B) that the requirements of subsection (b)(2) do not apply to the student.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

SEC. 477. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

Section 485 (20 U.S.C. 1092) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (G)—

(I) by striking ''program, and'' and inserting ''program,''; and

(II) by inserting '', and (iv) any plans by the institution for improving the academic program of the institution'' after ''instructional personnel''; and

(ii) by striking subparagraph (M) and inserting the following:

''(M) the terms and conditions of the loans that students receive under parts B, D, and E;'';

(iii) in subparagraph (N), by striking ''and'' after the semicolon;

(iv) in subparagraph (O), by striking the period and inserting a semicolon; and

(v) by adding at the end the following:

''(P) institutional policies and sanctions related to copyright infringement, including—

''(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

''(ii) a summary of the penalties for violation of Federal copyright laws;

''(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system; and

''(iv) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution's information technology system;

''(Q) student body diversity at the institution, including information on the percentage of enrolled, full-time students who are—

''(i) male;

''(ii) female;

''(iii) from a low-income background; and

''(iv) a self-identified member of a major racial or ethnic group;

''(R) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

''(S) the types of graduate and professional education in which graduates of the institution's 4-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources;

''(T) the fire safety report prepared by the institution pursuant to subsection (i); and

''(U) the retention rate of certificate- or degree-seeking, full-time, undergraduate students entering such institution.'';

(B) by striking paragraph (4) and inserting the following:

''(4) For purposes of this section, institutions may—

''(A) exclude from the information disclosed in accordance with subparagraph (L)

of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.''; and

(C) by adding at the end the following:

''(7) The information disclosed under subparagraph (L) of paragraph (1), or reported under subsection (e), shall include information disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking the subparagraph designation and all that follows through ''465.'' and inserting the following:

''(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans made to parents pursuant to section 428B), or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made to parents) or E, prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

''(i) information on the repayment plans available, including a discussion of the different features of each plan and sample information showing the difference in interest paid and total payments under each plan;

''(ii) the average anticipated monthly repayments under the standard repayment plan and, at the borrower's request, the other repayment plans for which the borrower is eligible;

''(iii) such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness;

''(iv) an explanation that the borrower has the ability to prepay each such loan, pay the loan on a shorter schedule, and change repayment plans;

''(v) the terms and conditions under which the student may obtain full or partial forgiveness or cancellation of principal or interest under sections 428J, 460, and 465 (to the extent that such sections are applicable to the student's loans);

''(vi) the terms and conditions under which the student may defer repayment of principal or interest or be granted forbearance under subsections (b)(1)(M) and (o) of section 428, 428H(e)(7), subsections (f) and (l) of section 455, and section 464(c)(2), and the potential impact of such deferment or forbearance;

''(vii) the consequences of default on such loans;

''(viii) information on the effects of using a consolidation loan to discharge the borrower's loans under parts B, D, and E, including, at a minimum—

''(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(II) the effects of consolidation on a borrower's underlying loan benefits, including all grace periods, loan forgiveness, cancellation, and deferment opportunities;

''(III) the ability of the borrower to prepay the loan or change repayment plans; and

''(IV) that borrower benefit programs may vary among different loan holders; and

''(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans.''; and

(B) by adding at the end the following:

''(3) Each eligible institution shall, during the exit interview required by this subsection, provide to a borrower of a loan made under part B, D, or E a clear and conspicuous notice describing the general effects of using a consolidation loan to discharge the borrower's student loans, including—

''(A) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(B) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, and deferment;

''(C) the ability for the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans, and that borrower benefit programs may vary among different loan holders;

''(D) a general description of the types of tax benefits which may be available to borrowers of student loans; and

''(E) the consequences of default.'';

(3) in subsection (d)(2)—

(A) by inserting ''grant assistance, as well as State'' after ''describing State''; and

(B) by inserting ''and other means, including through the Internet'' before the period at the end;

(4) in subsection (e), by striking paragraph (3) and inserting the following:

''(3) For purposes of this subsection, institutions may—

''(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.'';

(5) in subsection (f)—

(A) in paragraph (1)—

(i) the matter preceding subparagraph (A), by inserting '', other than a foreign institution of higher education,'' after ''under this title''; and

(ii) by adding at the end the following:

''(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures—

''(i) to notify the campus community in a reasonable and timely manner in the event of a significant emergency or dangerous situation, involving an immediate threat to the health or safety of students or staff, occurring on the campus;

''(ii) to publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

''(iii) to test emergency response and evacuation procedures on an annual basis.'';

(B) by redesignating paragraph (15) as paragraph (17); and

(C) by inserting after paragraph (14) the following:

''(15) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(16) BEST PRACTICES.—The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.''; and

(6) by adding at the end the following:

''(h) TRANSFER OF CREDIT POLICIES.—

''(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the 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 Accreditation and Institutional Quality and Integrity Advisory Committee to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

''(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

''(C) limit the application of the General Education Provisions Act; or

''(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

''(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

''(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

''(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available—

''(i) the number of fires and the cause of each fire;

''(ii) the number of injuries related to a fire that result in treatment at a medical facility;

''(iii) the number of deaths related to a fire; and

''(iv) the value of property damage caused by a fire;

''(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

''(C) the number of regular mandatory supervised fire drills;

''(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

''(E) plans for future improvements in fire safety, if determined necessary by such institution.

''(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis submit to the Secretary a copy of the statistics required to be made available under subparagraph (A).

''(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall—

''(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

''(B) make annual reports to the campus community on such fires.

''(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

''(A) make such statistics submitted to the Secretary available to the public; and

''(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

''(i) identify exemplary fire safety policies, procedures, programs, and practices;

''(ii) disseminate information to the Administrator of the United States Fire Administration;

''(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

''(iv) develop a protocol for institutions to review the status of their fire safety systems.

''(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

''(B) affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

''(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; and

''(D) establish any standard of care.

''(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.''.

SEC. 478. ENTRANCE COUNSELING REQUIRED.

Section 485 (as amended by section 477) is further amended—

(1) by redesignating subsections (b) through (i) as subsections (c) through (j), respectively; and

(2) by inserting after subsection (a) the following:

''(b) ENTRANCE COUNSELING FOR BORROWERS.—

''(1) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

''(A) IN GENERAL.—Each eligible institution shall, at or prior to the time of a disbursement to a first-time student borrower of a loan made, insured, or guaranteed under part B or D, ensure that the borrower receives comprehensive information on the terms and conditions of the loan and the responsibilities the borrower has with respect to such loan. Such information shall be provided in simple and understandable terms and may be provided—

''(i) during an entrance counseling session conducted in person;

''(ii) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

''(iii) online, with the borrower acknowledging receipt and understanding of the information.

''(B) USE OF INTERACTIVE PROGRAMS.—The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrowers' understanding of the terms and conditions of the borrowers' loans under part B or D, using comprehensible language and displays with clear formatting.

''(2) INFORMATION TO BE PROVIDED.—The information provided to the borrower under paragraph (1)(A) shall include—

''(A) an explanation of the use of the Master Promissory Note;

''(B) in the case of a loan made under section 428B or 428H, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan—

''(i) the ability of the borrower to pay the interest while the borrower is in school; and

''(ii) how often interest is capitalized;

''(C) the definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment;

''(D) an explanation of the importance of contacting the appropriate institutional offices if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation;

''(E) the obligation of the borrower to repay the full amount of the loan even if the borrower does not complete the program in which the borrower is enrolled;

''(F) information on the National Student Loan Data System and how the borrower can access the borrower's records; and

''(G) the name of an individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.''.

SEC. 479. NATIONAL STUDENT LOAN DATA SYSTEM.

Section 485B (20 U.S.C. 1092b) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(B) in paragraph (5) (as added by Public Law 101–610), by striking ''effectiveness.'' and inserting ''effectiveness;''; and

(C) by redesignating paragraph (5) (as added by Public Law 101–234) as paragraph (6);

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by inserting after subsection (c) the following:

''(d) PRINCIPLES FOR ADMINISTERING THE DATA SYSTEM.—In managing the National Student Loan Data System, the Secretary shall take actions necessary to maintain confidence in the data system, including, at a minimum—

''(1) ensuring that the primary purpose of access to the data system by guaranty agencies, eligible lenders, and eligible institutions of higher education is for legitimate program operations, such as the need to verify the eligibility of a student, potential student, or parent for loans under part B, D, or E;

''(2) prohibiting nongovernmental researchers and policy analysts from accessing personally identifiable information;

''(3) creating a disclosure form for students and potential students that is distributed when such students complete the common financial reporting form under section 483, and as a part of the exit counseling process under section 485(b), that—

''(A) informs the students that any title IV grant or loan the students receive will be included in the National Student Loan Data System, and instructs the students on how to access that information;

''(B) describes the categories of individuals or entities that may access the data relating to such grant or loan through the data system, and for what purposes access is allowed;

''(C) defines and explains the categories of information included in the data system;

''(D) provides a summary of the provisions of the Family Educational Rights and Privacy Act of 1974 and other applicable Federal privacy statutes, and a statement of the students' rights and responsibilities with respect to such statutes;

''(E) explains the measures taken by the Department to safeguard the students' data; and

''(F) includes other information as determined appropriate by the Secretary;

''(4) requiring guaranty agencies, eligible lenders, and eligible institutions of higher education that enter into an agreement with a potential student, student, or parent of such student regarding a loan under part B, D, or E, to inform the student or parent that such loan shall be—

''(A) submitted to the data system; and

''(B) accessible to guaranty agencies, eligible lenders, and eligible institutions of higher education determined by the Secretary to be authorized users of the data system;

''(5) regularly reviewing the data system to—

''(A) delete inactive users from the data system;

''(B) ensure that the data in the data system are not being used for marketing purposes; and

''(C) monitor the use of the data system by guaranty agencies and eligible lenders to determine whether an agency or lender is accessing the records of students in which the agency or lender has no existing financial interest; and

''(6) developing standardized protocols for limiting access to the data system that include—

''(A) collecting data on the usage of the data system to monitor whether access has been or is being used contrary to the purposes of the data system;

''(B) defining the steps necessary for determining whether, and how, to deny or restrict access to the data system; and

''(C) determining the steps necessary to reopen access to the data system following a denial or restriction of access.''; and

(4) by striking subsection (e) (as redesignated by paragraph (1)) and inserting the following:

''(e) REPORTS TO CONGRESS.—

''(1) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing—

''(A) the results obtained by the establishment and operation of the National Student Loan Data System authorized by this section;

''(B) the effectiveness of existing privacy safeguards in protecting student and parent information in the data system;

''(C) the success of any new authorization protocols in more effectively preventing abuse of the data system;

''(D) the ability of the Secretary to monitor how the system is being used, relative to the intended purposes of the data system; and

''(E) any protocols developed under subsection (d)(6) during the preceding fiscal year.

''(2) STUDY.—

''(A) IN GENERAL.—The Secretary shall conduct a study regarding—

''(i) available mechanisms for providing students and parents with the ability to opt in or opt out of allowing eligible lenders to access their records in the National Student Loan Data System; and

''(ii) appropriate protocols for limiting access to the data system, based on the risk assessment required under subchapter III of chapter 35 of title 44, United States Code.

''(B) SUBMISSION OF STUDY.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and submit a report on the findings of the study to the appropriate committees of Congress.''.

SEC. 480. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by inserting after section 485D (20 U.S.C. 1092c) the following:

''SEC. 485E. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

''(a) IN GENERAL.—The Secretary shall implement, in cooperation with States, institutions of higher education, secondary schools, middle schools, early intervention and outreach programs under this title, other agencies and organizations involved in student financial assistance and college access, public libraries, community centers, employers, and businesses, a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources. Such system shall include the activities described in subsections (b) and (c).

''(b) COMMUNICATION OF AVAILABILITY OF AID AND AID ELIGIBILITY.—

''(1) STUDENTS WHO RECEIVE BENEFITS.—The Secretary shall—

''(A) make special efforts to notify students, who receive or are eligible to receive benefits under a Federal means-tested benefit program (including the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)) or another such benefit program as determined by the Secretary, of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A; and

''(B) disseminate such informational materials as the Secretary determines necessary.

''(2) MIDDLE SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, middle schools, and programs under this title that serve middle school students, shall make special efforts to notify students and their parents of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in middle school.

''(3) SECONDARY SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, secondary schools, and programs under this title that serve secondary school students, shall make special efforts to notify students in secondary school and their parents, as early as possible but not later than such students' junior year of secondary school, of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in secondary school.

''(4) ADULT LEARNERS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, employers, workforce investment boards and public libraries, shall make special efforts to provide individuals who would qualify as independent students, as defined in section 480(d), with information regarding the availability of financial aid under this title and, in accordance with subsection (c), with nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information—

''(A) is as accurate as possible;

''(B) includes specific information regarding the availability of financial aid for students qualified as independent students, as defined in section 480(d); and

''(C) uses dissemination mechanisms suitable for adult learners.

''(5) PUBLIC AWARENESS CAMPAIGN.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary, in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other agencies and organizations involved in student financial aid, local educational agencies, public libraries, community centers, businesses, employers, employment services, workforce investment boards, and movie theaters, shall implement a public awareness campaign in order to increase national awareness regarding the availability of financial aid under this title. The public awareness campaign shall disseminate accurate information regarding the availability of financial aid under this title and shall be implemented, to the extent practicable, using a variety of media, including print, television, radio and the Internet. The Secretary shall design and implement the public awareness campaign based upon relevant independent research and the information and dissemination strategies found most effective in implementing paragraphs (1) through (4).

''(c) AVAILABILITY OF NONBINDING ESTIMATES OF FEDERAL FINANCIAL AID ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall provide, via a printed form and the Internet or other electronic means, the capability for individuals to determine easily, by entering relevant data, nonbinding estimates of amounts of grant and loan aid an individual may be eligible for under this title upon completion and processing of an application and enrollment in an institution of higher education.

''(2) DATA ELEMENTS.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall determine the data elements that are necessary to create a simplified form that individuals can use to obtain easily nonbinding estimates of the amounts of grant and loan aid an individual may be eligible for under this title.

''(3) QUALIFICATION TO USE SIMPLIFIED APPLICATION.—The capability provided under this paragraph shall include the capability to determine whether the individual is eligible to submit a simplified application form under paragraph (2)(B) or (3)(B) of section 483(a).''.

SEC. 481. PROGRAM PARTICIPATION AGREEMENTS.

Section 487 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (21), (22), and (23) as paragraphs (22), (23), and (24), respectively;

(B) by inserting after paragraph (20) the following:

''(21) CODE OF CONDUCT.—

''(A) IN GENERAL.—The institution will establish, follow, and enforce a code of conduct regarding student loans that includes not less than the following:

''(i) REVENUE SHARING PROHIBITION.—The institution is prohibited from receiving anything of value from any lender in exchange for any advantage sought by the lender to make educational loans to a student enrolled, or who is expected to be enrolled, at the institution, except that an institution shall not be prohibited from receiving a philanthropic contribution from a lender if the contribution is not made in exchange for any such advantage.

''(ii) GIFT AND TRIP PROHIBITION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, is prohibited from taking from any lender any gift or trip worth more than nominal value, except for reasonable expenses for professional development that will improve the efficiency and effectiveness of programs under this title and for domestic travel to such professional development.

''(iii) CONTRACTING ARRANGEMENTS.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, shall be prohibited from entering into any type of consulting arrangement or other contract to provide services to a lender.

''(iv) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other student financial aid

of the institution, and who serves on an advisory board, commission, or group established by a lender or group of lenders shall be prohibited from receiving anything of value from the lender or group of lenders, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission or group.

''(v) INTERACTION WITH BORROWERS.—The institution will not—

''(I) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; and

''(II) refuse to certify, or, delay certification of, any loan in accordance with paragraph (6) based on the borrower's selection of a particular lender or guaranty agency.

''(B) DESIGNATION.—The institution will designate an individual who shall be responsible for signing an annual attestation on behalf of the institution that the institution agrees to, and is in compliance with, the requirements of the code of conduct described in this paragraph. Such individual shall be the chief executive officer, chief operating officer, chief financial officer, or comparable official, of the institution, and shall annually submit the signed attestation to the Secretary.

''(C) AVAILABILITY.—The institution will make the code of conduct widely available to the institution's faculty members, students, and parents through a variety of means, including the institution's website.'';

(C) in paragraph (24) (as redesignated by subparagraph (A)), by adding at the end the following:

''(D) In the case of a proprietary institution of higher education as defined in section 102(b), the institution shall be considered in compliance with the requirements of subparagraph (A) for any student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted solely to voter registration.''; and

(D) by adding at the end the following:

''(25) In the case of a proprietary institution of higher education as defined in section 102(b), the institution will, as calculated in accordance with subsection (h)(1), have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (h)(2).

''(26) PREFERRED LENDER LISTS.—

''(A) IN GENERAL.—In the case of an institution (including an employee or agent of an institution) that maintains a preferred lender list, in print or any other medium, through which the institution recommends one or more specific lenders for loans made under part B to the students attending the institution (or the parents of such students), the institution will—

''(i) clearly and fully disclose on the preferred lender list—

''(I) why the institution has included each lender as a preferred lender, especially with respect to terms and conditions favorable to the borrower; and

''(II) that the students attending the institution (or the parents of such students) do not have to borrow from a lender on the preferred lender list;

''(ii) ensure, through the use of the list provided by the Secretary under subparagraph (C), that—

''(I) there are not less than 3 lenders named on the preferred lending list that are not affiliates of each other; and

''(II) the preferred lender list—

''(aa) specifically indicates, for each lender on the list, whether the lender is or is not an affiliate of each other lender on the list; and

''(bb) if the lender is an affiliate of another lender on the list, describes the specifics of such affiliation; and

''(iii) establish a process to ensure that lenders are placed upon the preferred lender list on the basis of the benefits provided to borrowers, including —

''(I) highly competitive interest rates, terms, or conditions for loans made under part B;

''(II) high-quality customer service for such loans; or

''(III) additional benefits beyond the standard terms and conditions for such loans.

''(B) DEFINITION OF AFFILIATE; CONTROL.—

''(i) DEFINITION OF AFFILIATE.—For the purposes of subparagraph (A)(ii) the term 'affiliate' means a person that controls, is controlled by, or is under common control with, another person.

''(ii) CONTROL.—For purposes of subparagraph (A)(ii), a person has control over another person if—

''(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;

''(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

''(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person.

''(C) LIST OF LENDER AFFILIATES.—The Secretary, in consultation with the Director of the Federal Deposit Insurance Corporation, shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the eligible institutions for use in carrying out subparagraph (A).'';

(2) in subsection (c)(1)(A)(i), by inserting '', except that the Secretary may modify the requirements of this clause with regard to an institution outside the United States'' before the semicolon at the end;

(3) by redesignating subsections (d) and (e) as subsection (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

''(d) INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.—

''(1) IN GENERAL.—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(4), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

''(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term 'teach-out plan' means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan.

''(e) VIOLATION OF CODE OF CONDUCT REGARDING STUDENT LOANS.—

''(1) IN GENERAL.—Upon a finding by the Secretary, after reasonable notice and an opportunity for a hearing, that an institution of higher education that has entered into a program participation agreement with the Secretary under subsection (a) willfully contravened the institution's attestation of compliance with the provisions of subsection (a)(21), the Secretary may impose a penalty described in paragraph (2).

''(2) PENALTIES.—A violation of paragraph (1) shall result in the limitation, suspension, or termination of the eligibility of the institution for the loan programs under this title.''; and

(5) by adding at the end the following:

''(h) IMPLEMENTATION OF NONTITLE IV REVENUE REQUIREMENT.—

''(1) CALCULATION.—In carrying out subsection (a)(27), a proprietary institution of higher education (as defined in section 102(b)) shall use the cash basis of accounting and count the following funds as from sources of funds other than funds provided under this title:

''(A) Funds used by students from sources other than funds received under this title to pay tuition, fees, and other institutional charges to the institution, provided the institution can reasonably demonstrate that such funds were used for such purposes.

''(B) Funds used by the institution to satisfy matching-fund requirements for programs under this title.

''(C) Funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986.

''(D) Funds paid by a student, or on behalf of a student by a party other than the institution, to the institution for an education or training program that is not eligible for funds under this title, provided that the program is approved or licensed by the appropriate State agency or an accrediting agency recognized by the Secretary.

''(E) Funds generated by the institution from institutional activities that are necessary for the education and training of the institution's students, if such activities are—

''(i) conducted on campus or at a facility under the control of the institution;

''(ii) performed under the supervision of a member of the institution's faculty; and

''(iii) required to be performed by all students in a specific educational program at the institution.

''(F) Institutional aid, as follows:

''(i) In the case of loans made by the institution, only the amount of loan repayments received by the institution during the fiscal year for which the determination is made.

''(ii) In the case of scholarships provided by the institution, only those scholarship funds provided by the institution that are—

''(I) in the form of monetary aid based upon the academic achievements or financial need of students; and

''(II) disbursed during the fiscal year for which the determination is made from an established restricted account and only to the extent that the funds in that account represent designated funds from an outside source or income earned on those funds.

''(iii) In the case of tuition discounts, only those tuition discounts based upon the academic achievement or financial need of students.

''(2) SANCTIONS.—

''(A) FAILURE TO MEET REQUIREMENT FOR 1 YEAR.—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(27) in any year, the Secretary may impose 1 or both of the following sanctions on the institution:

''(i) Place the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to

the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(ii) Require such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(B) FAILURE TO MEET REQUIREMENT FOR 2 YEARS.—An institution that fails to meet the requirements of subsection (a)(27) for 2 consecutive years shall be ineligible to participate in the programs authorized under this title until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary shall make publicly available, through the means described in subsection (b) of section 131, any institution that fails to meet the requirements of subsection (a)(27) in any year as an institution that is failing to meet the minimum non-Federal source of revenue requirements of such subsection (a)(27).''.

SEC. 482. REGULATORY RELIEF AND IMPROVEMENT.

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''1998'' and inserting ''2007'' ; and

(B) by striking ''1999'' and inserting ''2008''; and

(2) by striking the matter preceding paragraph (2)(A) and inserting the following:

''(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''Upon the submission of the report required by paragraph (2), the'' and inserting ''The''; and

(ii) by inserting ''periodically'' after ''authorized to'';

(B) by striking subparagraph (B);

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

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting '', including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492'' after ''requirements in this title'';

(ii) by inserting ''(other than an award rule related to an experiment in modular or compressed schedules)'' after ''award rules''; and

(iii) by inserting ''unless the waiver of such provisions is authorized by another provision under this title'' before the period at the end.

SEC. 483. TRANSFER OF ALLOTMENTS.

Section 488 (20 U.S.C. 1095) is amended in the first sentence—

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

(2) in paragraph (2), by striking ''413D.'' and inserting ''413D; and''; and

(3) by adding at the end ''(3) transfer 25 percent of the institution's allotment under section 413D to the institution's allotment under section 442.''.

SEC. 484. PURPOSE OF ADMINISTRATIVE PAYMENTS.

Section 489(b) (20 U.S.C. 1096(b)) is amended by striking ''offsetting the administrative costs of'' and inserting ''administering''.

SEC. 485. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(D) to provide knowledge and understanding of early intervention programs, and to make recommendations that will result in early awareness by low- and moderate-income students and families—

''(i) of their eligibility for assistance under this title; and

''(ii) to the extent practicable, of their eligibility for other forms of State and institutional need-based student assistance; and

''(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions of higher education, and private entities to increase the awareness and the total amount of need-based student assistance available to low- and moderate-income students.'';

(2) in subsection (c), by adding at the end the following:

''(3) The appointment of a member under subparagraph (A) or (B) of paragraph (1) shall be effective upon confirmation of the member by the Senate and publication of such appointment in the Congressional Record.'';

(3) in subsection (d)(6), by striking '', but nothing'' and all that follows through ''or analyses'';

(4) in subsection (j)—

(A) in paragraph (1)—

(i) by inserting ''and simplification'' after ''modernization'' each place the term appears; and

(ii) by striking ''including'' and all that follows through ''Department,''; and

(B) by striking paragraphs (4) and (5) and inserting the following:

''(4) conduct a review and analysis of regulations in accordance with subsection (l); and

''(5) conduct a study in accordance with subsection (m).'';

(5) in subsection (k), by striking ''2004'' and inserting ''2013''; and

(6) by adding at the end the following:

''(l) REVIEW AND ANALYSIS OF REGULATIONS.—

''(1) RECOMMENDATIONS.—The Advisory Committee shall make recommendations to the Secretary and Congress for consideration of future legislative action regarding redundant or outdated regulations under this title, consistent with the Secretary's requirements under section 498B.

''(2) REVIEW AND ANALYSIS OF REGULATIONS.—The Advisory Committee shall conduct a review and analysis of the regulations issued under this title that are in effect at the time of the review and that apply to the operations or activities of participants in the programs assisted under this title. The review and analysis may include a determination of whether the regulation is duplicative, is no longer necessary, is inconsistent with other Federal requirements, or is overly burdensome. In conducting the review, the Advisory Committee shall pay specific attention to evaluating ways in which regulations under this title affecting institutions of higher education (other than institutions described in section 102(a)(1)(C)), that have received in each of the 2 most recent award years prior to the date of enactment of the Higher Education Amendments of 2007 less than $200,000 in funds through this title, may be improved, streamlined, or eliminated.

''(3) CONSULTATION.—

''(A) IN GENERAL.—In carrying out the review and analysis under paragraph (2), the Advisory Committee shall consult with the Secretary, relevant representatives of institutions of higher education, and individuals who have expertise and experience with the regulations issued under this title, in accordance with subparagraph (B).

''(B) REVIEW PANELS.—The Advisory Committee shall convene not less than 2 review panels of representatives of the groups involved in student financial assistance programs under this title who have experience and expertise in the regulations issued under this title to review the regulations under this title, and to provide recommendations to the Advisory Committee with respect to the review and analysis under paragraph (2). The panels shall be made up of experts in areas such as the operations of the financial assistance programs, the institutional eligibility requirements for the financial assistance programs, regulations not directly related to the operations or the institutional eligibility requirements of the financial assistance programs, and regulations for dissemination of information to students about the financial assistance programs.

''(4) REPORTS TO CONGRESS.—The Advisory Committee shall submit, not later than 2 years after the completion of the negotiated rulemaking process required under section 492 resulting from the amendments to this Act made by the Higher Education Amendments of 2007, a report to the authorizing committees and the Secretary detailing the expert panels' findings and recommendations with respect to the review and analysis under paragraph (2).

''(5) ADDITIONAL SUPPORT.—The Secretary and the Inspector General of the Department shall provide such assistance and resources to the Advisory Committee as the Secretary and Inspector General determine are necessary to conduct the review required by this subsection.

''(m) STUDY OF INNOVATIVE PATHWAYS TO BACCALAUREATE DEGREE ATTAINMENT.—

''(1) STUDY REQUIRED.—The Advisory Committee shall conduct a study of the feasibility of increasing baccalaureate degree attainment rates by reducing the costs and financial barriers to attaining a baccalaureate degree through innovative programs.

''(2) SCOPE OF STUDY.—The Advisory Committee shall examine new and existing programs that promote baccalaureate degree attainment through innovative ways, such as dual or concurrent enrollment programs, changes made to the Federal Pell Grant program, simplification of the needs analysis process, compressed or modular scheduling, articulation agreements, and programs that allow 2-year institutions of higher education to offer baccalaureate degrees.

''(3) REQUIRED ASPECTS OF THE STUDY.—In performing the study described in this subsection, the Advisory Committee shall examine the following aspects of such innovative programs:

''(A) The impact of such programs on baccalaureate attainment rates.

''(B) The degree to which a student's total cost of attaining a baccalaureate degree can be reduced by such programs.

''(C) The ways in which low- and moderate-income students can be specifically targeted by such programs.

''(D) The ways in which nontraditional students can be specifically targeted by such programs.

''(E) The cost-effectiveness for the Federal Government, States, and institutions of higher education to implement such programs.

''(4) CONSULTATION.—

''(A) IN GENERAL.—In performing the study described in this subsection the Advisory Committee shall consult with a broad range of interested parties in higher education, including parents, students, appropriate representatives of secondary schools and institutions of higher education, appropriate State administrators, administrators of dual or concurrent enrollment programs, and appropriate Department officials.

''(B) CONGRESSIONAL CONSULTATION.—The Advisory Committee shall consult on a regular basis with the authorizing committees in carrying out the study required by this section.

''(5) REPORTS TO CONGRESS.—

''(A) INTERIM REPORT.—The Advisory Committee shall prepare and submit to the authorizing committees and the Secretary an interim report, not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, describing the progress that has been made in conducting the study required by this subsection and any preliminary findings on the topics identified under paragraph (2).

''(B) FINAL REPORT.—The Advisory Committee shall, not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, prepare and submit to the authorizing committees and the Secretary a final report on the study, including recommendations for legislative, regulatory, and administrative changes based on findings related to the topics identified under paragraph (2).''.

SEC. 486. REGIONAL MEETINGS.

Section 492(a)(1) (20 U.S.C. 1098a(a)(1)) is amended by inserting ''State student grant agencies,'' after ''institutions of higher education,''.

SEC. 487. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.

(a) REPEAL.—Section 493A (20 U.S.C. 1098c) is repealed.

(b) REDESIGNATION.—Section 493B (20 U.S.C. 1098d) is redesignated as section 493A.

PART G—PROGRAM INTEGRITY

SEC. 491. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4) and inserting the following:

''(4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

''(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

''(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in section 496(a)(5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph; and

''(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit;'';

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations and job placement rates;'';

(C) by striking paragraph (6) and inserting the following:

''(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for—

''(A) adequate specification of requirements and deficiencies at the institution of higher education or program examined;

''(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;

''(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, at a hearing prior to such action becoming final, before an appeals panel that—

''(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

''(ii) is subject to a conflict of interest policy; and

''(D) the right to representation by counsel for such an institution during an appeal of the adverse action;''; and

(D) by striking paragraph (8) and inserting the following:

''(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

''(A) the award of accreditation or reaccreditation of an institution;

''(B) final denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

''(C) any other adverse action taken with respect to an institution.'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', including those regarding distance education'' after ''their responsibilities'';

(B) by redesignating paragraphs (2) through (6) as paragraphs (5) through (9);

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

''(2) ensures that the agency or association's on-site evaluation for accreditation or reaccreditation includes review of the Federally required information the institution or program provides its current and prospective students;

''(3) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

''(4) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events:

''(A) The Department notifies the accrediting agency of an action against the institution pursuant to section 487(d).

''(B) The accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution.

''(C) The institution notifies the accrediting agency that the institution intends to cease operations.'';

(D) in paragraph (8) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(E) in subparagraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(F) by adding at the end the following:

''(10) confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

''(A) that are publicly disclosed; and

''(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.'';

(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).''.

SEC. 492. ADMINISTRATIVE CAPACITY STANDARD.

Section 498 (20 U.S.C. 1099c) is amended—

(1) in subsection (d)(1)(B), by inserting ''and'' after the semicolon; and

(2) by adding at the end the following:

''(k) TREATMENT OF TEACH-OUTS AT ADDITIONAL LOCATIONS.—

''(1) IN GENERAL.—A location of a closed institution of higher education shall be eligible as an additional location of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, for the purposes of a teach-out, if such teach-out has been approved by the institution's accrediting agency.

''(2) SPECIAL RULE.—An institution of higher education that conducts a teach-out through the establishment of an additional location described in paragraph (1) shall be permitted to establish a permanent additional location at a closed institution and shall not be required—

''(A) to meet the requirements of sections 102(b)(1)(E) and 102(c)(1)(C) for such additional location; or

''(B) to assume the liabilities of the closed institution.''.

SEC. 493. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(6) provide to an institution of higher education an adequate opportunity to review and respond to any program review report and relevant materials related to the report before any final program review report is issued;

''(7) review and take into consideration an institution of higher education's response in any final program review report or audit determination, and include in the report or determination—

''(A) a written statement addressing the institution of higher education's response;

''(B) a written statement of the basis for such report or determination; and

''(C) a copy of the institution's response; and

''(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review is issued, other than to the extent required to comply with paragraph (5), except that the Secretary shall promptly disclose any and all program review reports to the institution of higher education under review.''.

SEC. 494. TIMELY INFORMATION ABOUT LOANS.

(a) IN GENERAL.—Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

''SEC. 499A. ACCESS TO TIMELY INFORMATION ABOUT LOANS.

''(a) REGULAR BILL PROVIDING PERTINENT INFORMATION ABOUT A LOAN.—A lender of a loan made, insured, or guaranteed under this title shall provide the borrower of such loan a bill each month or, in the case of a loan payable less frequently than monthly, a bill that corresponds to each payment installment time period, including a clear and conspicuous notice of—

''(1) the borrower's principal borrowed;

''(2) the borrower's current balance;

''(3) the interest rate on such loan;

''(4) the amount the borrower has paid in interest;

''(5) the amount of additional interest payments the borrower is expected to pay over the life of the loan;

''(6) the total amount the borrower has paid for the loan, including the amount the borrower has paid in interest, the amount the borrower has paid in fees, and the amount the borrower has paid against the balance, in a brief, borrower-friendly manner;

''(7) a description of each fee the borrower has been charged for the current payment period;

''(8) the date by which the borrower needs to make a payment in order to avoid additional fees;

''(9) the amount of such payment that will be applied to the interest, the balance, and any fees on the loan; and

''(10) the lender's address and toll-free phone number for payment and billing error purposes.

''(b) INFORMATION PROVIDED BEFORE COMMENCEMENT OF REPAYMENT.—A lender of a loan made, insured, or guaranteed under this title shall provide to the borrower of such loan, at least one month before the loan enters repayment, a clear and conspicuous notice of not less than the following information:

''(1) The borrower's options, including repayment plans, deferments, forbearances, and discharge options to which the borrower may be entitled.

''(2) The conditions under which a borrower may be charged any fee, and the amount of such fee.

''(3) The conditions under which a loan may default, and the consequences of default.

''(4) Resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

''(c) INFORMATION PROVIDED DURING DELINQUENCY.—In addition to any other information required under law, a lender of a loan made, insured, or guaranteed under this title shall provide a borrower in delinquency with a clear and conspicuous notice of the date on which the loan will default if no payment is made, the minimum payment that must be made to avoid default, discharge options to which the borrower may be entitled, resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

''(d) INFORMATION PROVIDED DURING DEFAULT.—A lender of a loan made, insured, or guaranteed under this title shall provide a borrower in default, on not less than 2 separate occasions, with a clear and conspicuous notice of not less than the following information:

''(1) The options available to the borrower to be removed from default.

''(2) The relevant fees and conditions associated with each option.''.

SEC. 495. AUCTION EVALUATION AND REPORT.

(a) EVALUATION.—If Congress enacts an Act that authorizes the Secretary of Education to carry out a pilot program under which the Secretary establishes a mechanism for an auction of Federal PLUS Loans, then the Comptroller General shall evaluate such pilot program. The evaluation shall determine—

(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the parent loan program under section 428B of the Higher Education Act of 1965 in the absence of the pilot program;

(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

(3) the effect of the transition to and operation of the pilot program on the ability of—

(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

(C) the ability of parents to obtain loans made through the pilot program in a timely and efficient manner;

(4) the differential impact, if any, of the auction among the States, including between rural and non-rural States; and

(5) the feasibility of using the mechanism piloted to operate the other loan programs under part B of title IV of the Higher Education Act of 1965.

(b) REPORTS.—The Comptroller General shall—

(1) not later than September 1, 2010, submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a preliminary report regarding the findings of the evaluation described in subsection (a);

(2) not later than September 1, 2012, submit to the authorizing committees an interim report regarding such findings; and

(3) not later than September 1, 2014, submit to the authorizing committees a final report regarding such findings.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. AUTHORIZED ACTIVITIES.

Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraphs (6) through (14) as paragraphs (8) through (16), respectively;

(2) in paragraph (5), by inserting '', including innovative, customized remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period at the end;

(3) by inserting after paragraph (5) the following:

''(6) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.

''(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions.''; and

(4) in paragraph (12) (as redesignated by paragraph (1)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''.

SEC. 502. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

''PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

''SEC. 511. PROGRAM AUTHORITY AND ELIGIBILITY.

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in section 512.

''(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

''(1) is a Hispanic-serving institution (as defined in section 502); and

''(2) offers a postbaccalaureate certificate or degree granting program.

''SEC. 512. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for 1 or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students, including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance, to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 513 that are approved by the Secretary as part of the review and acceptance of such application.

''SEC. 513. APPLICATION AND DURATION.

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education

opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

''(c) LIMITATION.—The Secretary may not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.''.

SEC. 503. APPLICATIONS.

Section 521(b)(1)(A) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103(b)(1)(A)) is amended by striking ''subsection (b)'' and inserting ''subsection (c)''.

SEC. 504. COOPERATIVE ARRANGEMENTS.

Section 524(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103c(a)) is amended by striking ''section 503'' and inserting ''sections 503 and 512''.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 528(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103g(a)) is amended—

(1) by inserting ''part A of'' after ''carry out'';

(2) by striking ''$62,500,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.'';

(3) by striking ''(a) AUTHORIZATIONS.—There are'' and inserting the following:

''(a) AUTHORIZATIONS.—

''(1) PART A.—There are''; and

(4) by adding at the end the following:

''(2) PART B.—There are authorized to be appropriated to carry out part B of this title such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. FINDINGS.

Section 601 (20 U.S.C. 1121) is amended—

(1) in the section heading, by striking ''**AND PURPOSES**'' and inserting ''**; PURPOSES; CONSULTATION; SURVEY**'';

(2) in subsection (a)(3), by striking ''post-Cold War'';

(3) in subsection (b)(1)(D), by inserting '', including through linkages with overseas institutions'' before the semicolon; and

(4) by adding at the end the following:

''(c) CONSULTATION.—The Secretary shall, prior to requesting applications for funding under this title during each grant cycle, consult with and receive recommendations regarding national need for expertise in foreign languages and world regions from the head officials of a wide range of Federal agencies. Such agencies shall provide information to the Secretary regarding how the agencies utilize expertise and resources provided by grantees under this title. The Secretary shall take into account such recommendations and information when requesting applications for funding under this title, and shall make available to applicants a list of areas identified as areas of national need.

''(d) SURVEY.—The Secretary shall assist grantees in developing a survey to administer to students who have participated in programs under this title to determine postgraduation placement. All grantees, where applicable, shall administer such survey not less often than annually and report such data to the Secretary.''.

SEC. 602. GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.

Section 602 (20 U.S.C. 1122) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (G), by striking ''and'' after the semicolon;

(ii) in subparagraph (H), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) support for instructors of the less commonly taught languages.''; and

(B) in paragraph (4)—

(i) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

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

''(C) Programs of linkage or outreach between or among—

''(i) foreign language, area studies, or other international fields; and

''(ii) State educational agencies or local educational agencies.'';

(iii) in subparagraph (D) (as redesignated by clause (i)) by inserting '', including Federal or State scholarship programs for students in related areas'' before the period at the end; and

(iv) in subparagraph (F) (as redesignated by clause (i)), by striking ''and (D)'' and inserting ''(D), and (E)'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''GRADUATE''; and

(B) by striking paragraph (2) and inserting the following:

''(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged—

''(A) in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program; and

''(B)(i) in the case of an undergraduate student, in the intermediate or advanced study of a less commonly taught language; or

''(ii) in the case of a graduate student, in graduate study in connection with a program described in subparagraph (A), including—

''(I) predissertation level study;

''(II) preparation for dissertation research;

''(III) dissertation research abroad; or

''(IV) dissertation writing.'';

(3) by striking subsection (d) and inserting the following:

''(d) ALLOWANCES.—

''(1) GRADUATE LEVEL RECIPIENTS.—A stipend awarded to a graduate level recipient may include allowances for dependents and for travel for research and study in the United States and abroad.

''(2) UNDERGRADUATE LEVEL RECIPIENTS.—A stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that—

''(A) are closely linked to the overall goals of the recipient's course of study; and

''(B) have the purpose of promoting foreign language fluency and knowledge of foreign cultures.''; and

(4) by adding at the end the following:

''(e) APPLICATION.—Each institution or combination of institutions desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require. Each application shall include an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs. Each application shall also describe how the applicant will address disputes regarding whether activities funded under the application reflect diverse perspectives and a wide range of views. Each application shall also include a description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in needs in the education, business, and nonprofit sectors.''.

SEC. 603. UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.

Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively; and

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

''(I) providing subgrants to undergraduate students for educational programs abroad that—

''(i) are closely linked to the overall goals of the program for which the grant is awarded; and

''(ii) have the purpose of promoting foreign language fluency and knowledge of foreign cultures;''; and

(B) in paragraph (7)—

(i) in subparagraph (C), by striking ''and'' after the semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(E) a description of how the applicant will provide information to students regarding federally funded scholarship programs in related areas;

''(F) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable;

''(G) a description of how the applicant will address disputes regarding whether the activities funded under the application reflect diverse perspectives and a wide range of views; and

''(H) a description of how the applicant will encourage service in areas of national need as identified by the Secretary.''; and

(2) in subsection (c)—

(A) by striking ''FUNDING SUPPORT.—The Secretary'' and inserting ''FUNDING SUPPORT.—

''(1) THE SECRETARY.—The Secretary'';

(B) by striking ''10'' and inserting ''20''; and

(C) by adding at the end the following:

''(2) GRANTEES.—Of the total amount of grant funds awarded to a grantee under this section, the grantee may use not more than 10 percent of such funds for the activity described in subsection (a)(2)(I).''.

SEC. 604. RESEARCH; STUDIES.

Section 605(a) (20 U.S.C. 1125(a)) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(10) evaluation of the extent to which programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs;

''(11) the systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of this part; and

''(12) support for programs or activities to make data collected, analyzed, or disseminated under this section publicly available and easy to understand.''.

SEC. 605. TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.

Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking ''new electronic technologies'' and inserting ''electronic technologies'';

(B) by inserting ''from foreign sources'' after ''disseminate information'';

(C) in the subsection heading, by striking ''AUTHORITY.—The Secretary'' and inserting ''AUTHORITY.—

''(1) IN GENERAL.—The Secretary''; and

(D) by adding at the end the following:

''(2) PARTNERSHIPS WITH NOT-FOR-PROFIT EDUCATIONAL ORGANIZATIONS.—The Secretary may award grants under this section to carry out the activities authorized under this section to the following:

''(A) An institution of higher education.

''(B) A public or nonprofit private library.

''(C) A consortium of an institution of higher education and 1 or more of the following:

''(i) Another institution of higher education.

''(ii) A library.

''(iii) A not-for-profit educational organization.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''to facilitate access to'' and inserting ''to acquire, facilitate access to,'';

(B) in paragraph (2), by inserting ''or standards for'' after ''means of'';

(C) in paragraph (6), by striking ''and'' after the semicolon;

(D) in paragraph (7), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(8) to establish linkages to facilitate carrying out the activities described in this subsection between—

''(A) the institutions of higher education, libraries, and consortia receiving grants under this section; and

''(B) institutions of higher education, not-for-profit educational organizations, and libraries overseas; and

''(9) to carry out other activities that the Secretary determines are consistent with the purpose of the grants or contracts awarded under this section.''; and

(3) in subsection (c), by striking ''institution or consortium'' and inserting ''institution of higher education, library, or consortium''.

SEC. 606. SELECTION OF CERTAIN GRANT RECIPIENTS.

Section 607 (20 U.S.C. 1127) is amended—

(1) in subsection (a), by striking ''evaluates the applications for comprehensive and undergraduate language and area centers and programs.'' and inserting ''evaluates—

''(1) the applications for comprehensive foreign language and area or international studies centers and programs; and

''(2) the applications for undergraduate foreign language and area or international studies centers and programs.''; and

(2) in subsection (b), by adding at the end the following: ''The Secretary shall also consider an applicant's record of placing students into service in areas of national need and an applicant's stated efforts to increase the number of such students that go into such service.''.

SEC. 607. AMERICAN OVERSEAS RESEARCH CENTERS.

Section 609 (20 U.S.C. 1128a) is amended by adding at the end the following:

''(e) APPLICATION.—Each center desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require.''.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

Section 610 (20 U.S.C. 1128b) is amended by striking ''$80,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 609. CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.

Section 612(f)(3) (20 U.S.C. 1130–1(f)(3)) is amended by inserting '', and that diverse perspectives will be made available to students in programs under this section'' before the semicolon.

SEC. 610. EDUCATION AND TRAINING PROGRAMS.

Section 613(c) (20 U.S.C. 1130a(c)) is amended by adding at the end the following: ''Each such application shall include an assurance that, where applicable, the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.''.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS FOR BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

Section 614 (20 U.S.C. 1130b) is amended—

(1) in subsection (a), by striking ''$11,000,000 for fiscal year 1999'' and all that follows through ''fiscal years'' and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years''; and

(2) in subsection (b), by striking ''$7,000,000 for fiscal year 1999'' and all that follows through ''fiscal years,'' and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years''.

SEC. 612. MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.

Section 621 (20 U.S.C. 1131) is amended—

(1) in subsection (c), by adding at the end the following: ''Each application shall include a description of how the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs, where applicable.''; and

(2) in subsection (e)—

(A) by striking ''MATCH REQUIRED.—The eligible'' and inserting ''MATCHING FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), the eligible''; and

(B) by adding at the end the following:

''(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for an eligible recipient if the Secretary determines such waiver is appropriate.''.

SEC. 613. INSTITUTIONAL DEVELOPMENT.

Section 622 (20 U.S.C. 1131–1) is amended—

(1) in subsection (a)—

(A) by striking ''Tribally Controlled Colleges or Universities'' and inserting ''tribally controlled colleges or universities''; and

(B) by striking ''international affairs programs.'' and inserting ''international affairs, international business, and foreign language study programs, including the teaching of foreign languages, at such colleges, universities, and institutions, respectively, which may include collaboration with institutions of higher education that receive funding under this title.''; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated by subparagraph (B)), by inserting ''and'' after the semicolon.

SEC. 614. STUDY ABROAD PROGRAM.

Section 623(a) (20 U.S.C. 1131a(a)) is amended—

(1) by striking ''as defined in section 322 of this Act''; and

(2) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities''.

SEC. 615. ADVANCED DEGREE IN INTERNATIONAL RELATIONS.

Section 624 (20 U.S.C. 1131b) is amended—

(1) in the section heading, by striking ''masters'' and inserting ''advanced'';

(2) in the first sentence, by inserting '', and in exceptional circumstances, a doctoral degree,'' after ''masters degree'';

(3) in the second sentence, by striking ''masters degree'' and inserting ''advanced degree''; and

(4) in the fourth sentence, by striking ''United States'' and inserting ''United States.''.

SEC. 616. INTERNSHIPS.

Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a)—

(A) by striking ''as defined in section 322 of this Act'';

(B) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities'';

(C) by striking ''an international'' and inserting ''international,''; and

(D) by striking ''the United States Information Agency'' and inserting ''the Department of State''; and

(2) in subsection (c)(1)—

(A) in subparagraph (E), by inserting ''and'' after the semicolon;

(B) in subparagraph (F), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (G).

SEC. 617. FINANCIAL ASSISTANCE.

Part C of title VI (20 U.S.C. 1131 et seq.) is further amended—

(1) by redesignating sections 626, 627, and 628 as sections 627, 628, and 629, respectively; and

(2) by inserting after section 625 the following:

''SEC. 626. FINANCIAL ASSISTANCE.

''(a) AUTHORITY.—The Institute may provide financial assistance, in the form of summer stipends described in subsection (b) and Ralph Bunche scholarship assistance described in subsection (c), to needy students to facilitate the participation of the students in the Institute's programs under this part.

''(b) SUMMER STIPENDS.—

''(1) REQUIREMENTS.—A student receiving a summer stipend under this section shall use such stipend to defray the student's cost of participation in a summer institute program funded under this part, including the costs of travel, living, and educational expenses necessary for the student's participation in such program.

''(2) AMOUNT.—A summer stipend awarded to a student under this section shall not exceed $3,000 per summer.

''(c) RALPH BUNCHE SCHOLARSHIP.—

''(1) REQUIREMENTS.—A student receiving a Ralph Bunche scholarship under this section—

''(A) shall be a full-time student at an institution of higher education who is accepted into a program funded under this part; and

''(B) shall use such scholarship to pay costs related to the cost of attendance, as defined in section 472, at the institution of higher education in which the student is enrolled.

''(2) AMOUNT AND DURATION.—A Ralph Bunche scholarship awarded to a student under this section shall not exceed $5,000 per academic year.''.

SEC. 618. REPORT.

Section 627 (as redesignated by section 617(1)) (20 U.S.C. 1131d) is amended by striking ''annually'' and inserting ''biennially''.

SEC. 619. GIFTS AND DONATIONS.

Section 628 (as redesignated by section 617(1)) (20 U.S.C. 1131e) is amended by striking ''annual report described in section 626'' and inserting ''biennial report described in section 627''.

SEC. 620. AUTHORIZATION OF APPROPRIATIONS FOR THE INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

Section 629 (as redesignated by section 617(1)) (20 U.S.C. 1131f) is amended by striking ''$10,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 621. DEFINITIONS.

Section 631 (20 U.S.C. 1132) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), (8), and (9), as paragraphs (7), (4), (8), (2), (10), (6), and (3), respectively;

(3) in paragraph (2), as redesignated by paragraph (2), by striking ''comprehensive language and area center'' and inserting ''comprehensive foreign language and area or international studies center'';

(4) in paragraph (3), as redesignated by paragraph (2), by striking the period at the end and inserting a semicolon;

(5) by inserting after paragraph (4), as redesignated by paragraph (2), the following:

''(5) the term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322;'';

(6) in paragraph (6), as redesignated by paragraph (2), by striking ''and'' after the semicolon;

(7) by inserting after paragraph (8), as redesignated by paragraph (2), the following:

''(9) the term 'tribally controlled college or university' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801); and''; and

(8) in paragraph (10), as redesignated by paragraph (2), by striking ''undergraduate language and area center'' and inserting ''undergraduate foreign language and area or international studies center''.

SEC. 622. ASSESSMENT AND ENFORCEMENT.

Part D of title VI (20 U.S.C. 1132) is amended by adding at the end the following:

''SEC. 632. ASSESSMENT; ENFORCEMENT; RULE OF CONSTRUCTION.

''(a) IN GENERAL.—The Secretary is authorized to assess and ensure compliance with all the conditions and terms of grants provided under this title. If a complaint regarding activities funded under this title is not resolved under the process outlined in the relevant grantee's application, such complaint shall be filed with the Department and reviewed by the Secretary. The Secretary shall take the review of such complaints into account when determining the renewal of grants.

''(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize the Secretary to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction.

''SEC. 633. EVALUATION, OUTREACH, AND INFORMATION.

''The Secretary may use not more than 1 percent of the funds made available under this title to carry out program evaluation, national outreach, and information dissemination activities relating to the programs authorized under this title.

''SEC. 634. BIENNIAL REPORT.

''The Secretary shall, in consultation and collaboration with the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies, submit a biennial report that identifies areas of national need in foreign language, area, and international studies as such studies relate to government, education, business, and nonprofit needs, and a plan to address those needs. The report shall be provided to the authorizing committees and made available to the public.''.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

SEC. 701. PURPOSE.

Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is amended by inserting '', including those areas critical to United States national and homeland security needs such as mathematics, science, and engineering'' before the semicolon at the end.

SEC. 702. ALLOCATION OF JACOB K. JAVITS FELLOWSHIPS.

Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended to read as follows:

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the 'Board') consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

''(B) QUALIFICATIONS.—In making appointments under subparagraph (A), the Secretary shall—

''(i) give due consideration to the appointment of individuals who are highly respected in the academic community;

''(ii) assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences;

''(iii) appoint members to represent the various geographic regions of the United States; and

''(iv) include representatives from minority institutions, as defined in section 365.''.

SEC. 703. STIPENDS.

Section 703(a) (20 U.S.C. 1134b(a)) is amended by striking ''graduate fellowships'' and inserting ''Graduate Research Fellowship Program''.

SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR THE JACOB K. JAVITS FELLOWSHIP PROGRAM.

Section 705 (20 U.S.C. 1134d) is amended by striking ''$30,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.''.

SEC. 705. INSTITUTIONAL ELIGIBILITY UNDER THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 712(b) (20 U.S.C. 1135a(b)) is amended to read as follows:

''(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

''(1) the extent to which the interest in the area is compelling;

''(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

''(3) an assessment of how the program may achieve the most significant impact with available resources; and

''(4) an assessment of current and future professional workforce needs of the United States.''.

SEC. 706. AWARDS TO GRADUATE STUDENTS.

Section 714 (20 U.S.C. 1135c) is amended—

(1) in subsection (b)—

(A) by striking ''1999–2000'' and inserting ''2008–2009''; and

(B) by striking ''graduate fellowships'' and inserting ''Graduate Research Fellowship Program''; and

(2) in subsection (c)—

(A) by striking ''716(a)'' and inserting ''715(a)''; and

(B) by striking ''714(b)(2)'' and inserting ''713(b)(2)''.

SEC. 707. ADDITIONAL ASSISTANCE FOR COST OF EDUCATION.

Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2008–2009''; and

(2) by striking ''1998–1999'' and inserting ''2007–2008''.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS FOR THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 716 (20 U.S.C. 1135e) is amended by striking ''$35,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.''.

SEC. 709. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

Section 721 (20 U.S.C. 1136) is amended—

(1) in subsection (a)—

(A) by inserting ''secondary school and'' after ''disadvantaged''; and

(B) by inserting ''and admission to law practice'' before the period at the end;

(2) in the matter preceding paragraph (1) of subsection (b), by inserting ''secondary school student or'' before ''college student'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''secondary school and'' before ''college students'';

(B) by striking paragraph (2) and inserting the following:

''(2) to prepare such students for successful completion of a baccalaureate degree and for study at accredited law schools, and to assist them with the development of analytical skills, writing skills, and study methods to enhance the students' success and promote the students' admission to and completion of law school;'';

(C) in paragraph (4), by striking ''and'' after the semicolon;

(D) by striking paragraph (5) and inserting the following:

''(4) to motivate and prepare such students—

''(A) with respect to law school studies and practice in low-income communities; and

''(B) to provide legal services to low-income individuals and families; and;''; and

(E) by adding at the end the following:

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes under subsection (d)(6) and who are enrolled in an accredited law school; or

''(B) who have successfully completed summer institute programs comparable to the summer institutes under subsection (d) that are certified by the Council on Legal Education Opportunity.'';

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting ''pre-college programs, undergraduate'' before ''pre-law'';

(B) in paragraph (1)—

(i) in subparagraph (B), by inserting ''law school'' before ''graduation''; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) pre-college and undergraduate preparatory courses in analytical and writing skills, study methods, and curriculum selection;'';

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(D) by inserting after paragraph (1) the following:

''(2) summer academic programs for secondary school students who have expressed interest in a career in the law;''; and

(E) in paragraph (7) (as redesignated by subparagraph (C)), by inserting ''and Associates'' after ''Thurgood Marshall Fellows'';

(5) in subsection (e)(1), by inserting '', including before and during undergraduate study'' before the semicolon;

(6) in subsection (f)—

(A) by inserting ''national and State bar associations,'' after ''agencies and organizations,''; and

(B) by striking ''and organizations.'' and inserting ''organizations, and associations.'';

(7) by striking subsection (g) and inserting the following:

''(g) FELLOWSHIPS AND STIPENDS.—The Secretary shall annually establish the maximum fellowship to be awarded, and stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant), to Thurgood Marshall Fellows or Associates for the period of participation in summer institutes, midyear seminars, and bar preparation seminars. A Fellow or Associate may be eligible for such a fellowship or stipend only if the Thurgood Marshall Fellow or Associate maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions (except with respect to a law school graduate enrolled in a bar preparation course).''; and

(8) in subsection (h), by striking ''$5,000,000 for fiscal year 1999'' and all that follows through the period at the end and inserting ''such sums as may be necessary for fiscal year 2008 and for each of the 5 succeeding fiscal years''.

SEC. 710. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 741 (20 U.S.C. 1138) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

''(3) the establishment and continuation of institutions, programs, consortia, collaborations, and other joint efforts based on the technology of communications, including those efforts that utilize distance education and technological advancements to educate and train postsecondary students (including health professionals serving medically underserved populations);'';

(B) in paragraph (7), by striking ''and'' after the semicolon;

(C) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(9) the introduction of reforms in remedial education, including English language instruction, to customize remedial courses to student goals and help students progress rapidly from remedial courses into core courses and through program completion; and

''(10) the creation of consortia that join diverse institutions of higher education to design and offer curricular and co-curricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

''(A) focus on poverty and human capability; and

''(B) include—

''(i) a service-learning component; and

''(ii) the delivery of educational services through informational resource centers, summer institutes, midyear seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths.''; and

(2) by adding at the end the following:

''(c) PROJECT GRAD.—

''(1) PURPOSES.—The purposes of this subsection are—

''(A) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

''(B) to promote the establishment of new programs to implement such integrated education reform services.

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

''(A) AT-RISK.—The term 'at-risk' has the same meaning given such term in section 1432 of the Elementary and Secondary Education Act of 1965.

''(B) FEEDER PATTERN.—The term 'feeder pattern' means a secondary school and the elementary schools and middle schools that channel students into that secondary school.

''(3) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to Project GRAD USA (referred to in this subsection as the 'grantee'), a nonprofit educational organization that has as its primary purpose the improvement of secondary school graduation, college attendance, and college completion rates for at-risk students, to implement and sustain the integrated education reform program at existing Project GRAD sites, and to promote the expansion of the Project GRAD program to new sites.

''(4) REQUIREMENTS OF GRANT AGREEMENT.—The Secretary shall enter into an agreement with the grantee that requires that the grantee shall—

''(A) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of at-risk students (referred to in this subsection as 'subcontractors'), under which the subcontractors agree to implement the Project GRAD program and provide matching funds for such programs; and

''(B) directly carry out—

''(i) activities to implement and sustain the literacy, mathematics, classroom management, social service, and college access components of the Project GRAD program;

''(ii) activities for the purpose of implementing new Project GRAD program sites;

''(iii) activities to support, evaluate, and consistently improve the Project GRAD program;

''(iv) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

''(v) other activities directly related to improving secondary school graduation, college attendance, and college completion rates for at-risk students.

''(5) GRANTEE CONTRIBUTION AND MATCHING REQUIREMENT.—

''(A) IN GENERAL.—The grantee shall provide funds to each subcontractor based on the number of students served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

''(i) the resources available in the area where the subcontractor will implement the Project GRAD program; and

''(ii) the need for the Project GRAD program in such area to improve student outcomes, including reading and mathematics achievement and, where applicable, secondary school graduation, college attendance, and college completion rates.

''(B) MATCHING REQUIREMENT.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to or greater than the amount received by the subcontractor from the grantee. Such matching funds may be provided in cash or in-kind, fairly evaluated.

''(6) EVALUATION.—The Secretary shall select an independent entity to evaluate, every 3 years, the performance of students who participate in a Project GRAD program under this subsection.

''(d) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

''(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

''(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a 4-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

''(3) CENTER ACTIVITIES.—The center funded under this section shall—

''(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

''(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

''(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

''(D) develop and disseminate best practices for such programs.

''(e) UNDERSTANDING THE FEDERAL REGULATORY IMPACT ON HIGHER EDUCATION.—

''(1) PURPOSE.—The purpose of this subsection is to help institutions of higher education understand the regulatory impact of the Federal Government on such institutions, in order to raise awareness of institutional legal obligations and provide information to improve compliance with, and to reduce the duplication and inefficiency of, Federal regulations.

''(2) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable the institution to carry out the activities described in the agreement under paragraph (4).

''(3) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to an institution of higher education that has demonstrated expertise in—

''(A) reviewing Federal higher education regulations;

''(B) maintaining a clearinghouse of compliance training materials; and

''(C) explaining the impact of such regulations to institutions of higher education through a comprehensive and freely accessible website.

''(4) REQUIREMENTS OF AGREEMENT.—As a condition of receiving a grant or contract under this subsection, the institution of higher education shall enter into an agreement with the Secretary that shall require the institution to—

''(A) monitor Federal regulations, including notices of proposed rulemaking, for their impact or potential impact on higher education;

''(B) provide a succinct description of each regulation or proposed regulation that is relevant to higher education; and

''(C) maintain a website providing information on Federal regulations that is easy to use, searchable, and updated regularly.

''(f) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

''(1) AUTHORIZATION.—The Secretary shall contract with a nonprofit organization with demonstrated experience in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

''(2) ELIGIBLE STUDENTS.—In this subsection, the term 'eligible student' means an individual who is—

''(A)(i) a dependent student who is a child of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; or

''(ii) an independent student who is a spouse of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; and

''(B) enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102).

''(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

''(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an academic year shall be the lesser of—

''(A) the difference between the eligible student's cost of attendance (as defined in section 472) and any non-loan based aid such student receives; or

''(B) $5,000.

''(5) AMOUNTS FOR SCHOLARSHIPS.—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.''.

SEC. 711. SPECIAL PROJECTS.

Section 744(c) (20 U.S.C. 1138c) is amended to read as follows:

''(c) AREAS OF NATIONAL NEED.—Areas of national need shall include, at a minimum, the following:

''(1) Institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost and price control.

''(2) Improvements in academic instruction and student learning, including efforts designed to assess the learning gains made by postsecondary students.

''(3) Articulation between 2- and 4-year institutions of higher education, including developing innovative methods for ensuring the successful transfer of students from 2- to 4-year institutions of higher education.

''(4) Development, evaluation and dissemination of model programs, including model core curricula that—

''(A) provide students with a broad and integrated knowledge base;

''(B) include, at a minimum, broad survey courses in English literature, American and world history, American political institutions, economics, philosophy, college-level mathematics, and the natural sciences; and

''(C) include sufficient study of a foreign language to lead to reading and writing competency in the foreign language.

''(5) International cooperation and student exchanges among postsecondary educational institutions.''.

SEC. 712. AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 745 (20 U.S.C. 1138d) is amended by striking ''$30,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 713. REPEAL OF THE URBAN COMMUNITY SERVICE PROGRAM.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 714. GRANTS FOR STUDENTS WITH DISABILITIES.

(a) GRANTS AUTHORIZED FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Section 762 (20 U.S.C. 1140a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''to teach students with disabilities'' and inserting ''to teach and meet the academic and programmatic needs of students with disabilities in order to improve retention and completion of postsecondary education'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative and effective teaching methods and strategies to ensure the successful transition of students with disabilities from secondary school to postsecondary education.'';

(iv) in subparagraph (C), as redesignated by clause (ii), by striking the period at the end and inserting '', including data on the postsecondary education of and impact on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.'';

(v) by inserting after subparagraph (C), as redesignated by clause (ii), the following:

''(D) DISTANCE LEARNING.—The development of innovative and effective teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible curriculum and electronic communication for instruction and advisement.

''(E) DISABILITY CAREER PATHWAYS.—

''(i) IN GENERAL.—Training and providing support to secondary and postsecondary staff with respect to disability-related fields to—

''(I) encourage interest and participation in such fields, among students with disabilities and other students;

''(II) enhance awareness and understanding of such fields among such students;

''(III) provide educational opportunities in such fields among such students;

''(IV) teach practical skills related to such fields among such students; and

''(V) offer work-based opportunities in such fields among such students.

''(ii) DEVELOPMENT.—The training and support described in clause (i) may include developing means to offer students credit-bearing, college-level coursework, and career and educational counseling.''; and

(vi) by adding at the end the following:

''(G) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through curriculum development.''; and

(B) in paragraph (3), by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) through (G)''; and

(2) by adding at the end the following:

''(d) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this subpart and providing guidance and recommendations on how successful projects can be replicated.''.

(b) TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES INTO HIGHER EDUCATION; COORDINATING CENTER.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in the part heading, by striking ''**demonstration**'';

(2) by inserting after the part heading the following:

''Subpart 1—Quality Higher Education'';

and

(3) by adding at the end the following:

''Subpart 2—Transition Programs for Students With Intellectual Disabilities Into Higher Education; Coordinating Center

''SEC. 771. PURPOSE.

''It is the purpose of this subpart to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

''SEC. 772. DEFINITIONS.

''In this subpart:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program offered by an institution of higher education that—

''(A) is designed for students with intellectual disabilities who seek to continue academic, vocational, or independent living instruction at the institution in order to prepare for gainful employment;

''(B) includes an advising and curriculum structure; and

''(C) requires the enrollment of the student (through enrollment in credit-bearing courses, auditing or participating in courses, participating in internships, or enrollment in noncredit, nondegree courses) in the equivalent of not less than a half-time course of study, as determined by the institution.

''(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student whose mental retardation or other significant cognitive impairment substantially impacts the student's intellectual and cognitive functioning.

''SEC. 773. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to create or expand high-quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) NUMBER AND DURATION OF GRANTS.—The Secretary shall award not less than 10 grants per year under this section, and each grant awarded under this subsection shall be for a period of 5 years.

''(b) APPLICATION.—An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to institutions of higher education (or consortia) that—

''(1) will carry out a model program under the grant in a State that does not already have a comprehensive transition and postsecondary program for students with intellectual disabilities; or

''(2) in the application submitted under subsection (b), agree to incorporate 1 or more the following elements into the model programs carried out under the grant:

''(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

''(B) In the case of an institution of higher education that provides institutionally-owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into such housing.

''(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program carried out under the grant.

''(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

''(1) serves students with intellectual disabilities, including students with intellectual disabilities who are no longer eligible for special education and related services under the Individuals with Disabilities Education Act;

''(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

''(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

''(A) academic enrichment;

''(B) socialization;

''(C) independent living, including self-advocacy skills; and

''(D) integrated work experiences and career skills that lead to gainful employment;

''(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

''(5) participates with the coordinating center established under section 774 in the evaluation of the model program;

''(6) partners with 1 or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under such Act, including regarding the utilization of funds available under part B of the Individuals with Disabilities Education Act for such students;

''(7) plans for the sustainability of the model program after the end of the grant period; and

''(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

''(e) MATCHING REQUIREMENT.—An institution of higher education that receives a grant under this section shall provide toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant, matching funds, which may be provided in cash or in-kind, in an amount not less than 25 percent of the amount of such grant funds.

''(f) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities authorized under this subpart and providing guidance and recommendations on how successful programs can be replicated.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''SEC. 774. COORDINATING CENTER FOR TECHNICAL ASSISTANCE, EVALUATION, AND DEVELOPMENT OF ACCREDITATION STANDARDS.

''(a) IN GENERAL.—

''(1) AWARD.—The Secretary shall, on a competitive basis, enter into a cooperative agreement with an eligible entity, for the purpose of establishing a coordinating center for technical assistance, evaluation, and development of accreditation standards for institutions of higher education that offer inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) DURATION.—The cooperative agreement under this section shall be for a period of 5 years.

''(b) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this section shall establish and maintain a center that shall—

''(1) serve as the technical assistance entity for all model comprehensive transition and postsecondary programs for students with intellectual disabilities assisted under section 773;

''(2) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

''(3) develop an evaluation protocol for such programs that includes qualitative and quantitative methodology measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

''(4) assist recipients of grants under section 773 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential takes into consideration unique State factors;

''(5) develop model criteria, standards, and procedures to be used in accrediting such programs that—

''(A) include, in the development of the model criteria, standards, and procedures for such programs, the participation of—

''(i) an expert in higher education;

''(ii) an expert in special education;

''(iii) a disability organization that represents students with intellectual disabilities; and

''(iv) a State, regional, or national accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV; and

''(B) define the necessary components of such programs, such as—

''(i) academic, vocational, social, and independent living skills;

''(ii) evaluation of student progress;

''(iii) program administration and evaluation;

''(iv) student eligibility; and

''(v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be;

''(6) analyze possible funding streams for such programs and provide recommendations regarding the funding streams;

''(7) develop model memoranda of agreement between institutions of higher education and agencies providing funding for such programs;

''(8) develop mechanisms for regular communication between the recipients of grants under section 773 regarding such programs; and

''(9) host a meeting of all recipients of grants under section 773 not less often than once a year.

''(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of higher education, students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, and evaluation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.''.

(c) CONFORMING AMENDMENTS.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in section 761, by striking ''part'' and inserting ''subpart'';

(2) in section 762 (as amended by subsection (a)), by striking ''part'' each place the term appears and inserting ''subpart'';

(3) in section 763, by striking ''part'' both places the term appears and inserting ''subpart'';

(4) in section 764, by striking ''part'' and inserting ''subpart''; and

(5) in section 765, by striking ''part'' and inserting ''subpart''.

SEC. 715. APPLICATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 763 (as amended in section 714(c)(3)) (20 U.S.C. 1140b) is further amended—

(1) by striking paragraph (1) and inserting the following:

''(1) a description of how such institution plans to address the activities allowed under this subpart;'';

(2) in paragraph (2), by striking ''and'' after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) a description of the extent to which the institution will work to replicate the research based and best practices of institutions of higher education with demonstrated success in serving students with disabilities.''.

SEC. 716. AUTHORIZATION OF APPROPRIATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 765 (20 U.S.C. 1140d) is amended by striking ''$10,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 717. RESEARCH GRANTS.

Title VII (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following:

"PART E—RESEARCH GRANTS

"SEC. 781. RESEARCH GRANTS.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop or improve valid and reliable measures of student achievement for use by institutions of higher education to measure and evaluate learning in higher education.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an institution of higher education;

''(B) a State agency responsible for higher education;

''(C) a recognized higher education accrediting agency or an organization of higher education accreditors;

''(D) an eligible applicant described in section 174(c) of the Education Sciences Reform Act of 2002; and

''(E) a consortium of any combination of entities described in subparagraphs (A) through (D).

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of how the eligible entity—

''(A) will work with relevant experts, including psychometricians, research experts, institutions, associations, and other qualified individuals as determined appropriate by the eligible entity;

''(B) will reach a broad and diverse range of audiences;

''(C) has participated in work in improving postsecondary education;

''(D) has participated in work in developing or improving assessments to measure student achievement;

''(E) includes faculty, to the extent practicable, in the development of any assessments or measures of student achievement; and

''(F) will focus on program specific measures of student achievement generally applicable to an entire—

''(i) institution of higher education; or

''(ii) State system of higher education.

''(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall take into consideration—

''(1) the quality of an application for a grant under this section;

''(2) the distribution of the grants to different—

''(A) geographic regions;

''(B) types of institutions of higher education; and

''(C) higher education accreditors.

''(e) USE OF FUNDS.—Each eligible entity receiving a grant under this section may use the grant funds—

''(1) to enable the eligible entity to improve the quality, validity, and reliability of existing assessments used by institutions of higher education;

''(2) to develop measures of student achievement using multiple measures of student achievement from multiple sources;

''(3) to measure improvement in student achievement over time;

''(4) to evaluate student achievement;

''(5) to develop models of effective practices; and

''(6) for a pilot or demonstration project of measures of student achievement.

''(f) MATCHING REQUIREMENT.—An eligible entity described in subparagraph (A), (B), or (C) of subsection (b)(1) that receives a grant under this section shall provide for each fiscal year, from non-Federal sources, an amount (which may be provided in cash or in kind), to carry out the activities supported by the grant, equal to 50 percent of the amount received for the fiscal year under the grant.

''(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal or State funds.

''(h) REPORT.—

''(1) REPORT.—The Secretary shall provide an annual report to Congress on the implementation of the grant program assisted under this section.

''(2) CONTENT.—The report shall include—

''(A) information regarding the development or improvement of scientifically valid and reliable measures of student achievement;

''(B) a description of the assessments or other measures developed by eligible entities;

''(C) the results of any pilot or demonstration projects assisted under this section; and

''(D) such other information as the Secretary may require.''.

TITLE VIII—MISCELLANEOUS

SEC. 801. MISCELLANEOUS.

The Act (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"TITLE VIII—MISCELLANEOUS

"PART A—MATHEMATICS AND SCIENCE SCHOLARS PROGRAM

"SEC. 811. MATHEMATICS AND SCIENCE SCHOLARS PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to States, on a competitive basis, to enable the States to award eligible students, who complete a rigorous secondary school curriculum in mathematics and science, scholarships for undergraduate study.

''(b) ELIGIBLE STUDENTS.—A student is eligible for a scholarship under this section if the student is a full-time undergraduate student in the student's first and second year of study who has completed a rigorous secondary school curriculum in mathematics and science.

''(c) RIGOROUS CURRICULUM.—Each participating State shall determine the requirements for a rigorous secondary school curriculum in mathematics and science described in subsection (b).

''(d) PRIORITY FOR SCHOLARSHIPS.—The Governor of a State may set a priority for awarding scholarships under this section for particular eligible students, such as students attending schools in high-need areas, students who are from groups underrepresented in the fields of mathematics, science, and engineering, students served by local educational agencies that do not meet or exceed State standards in mathematics and science, or students with regional or geographic needs as determined appropriate by the Governor.

''(e) AMOUNT AND DURATION OF SCHOLARSHIP.—The Secretary shall award a grant under this section—

''(1) in an amount that does not exceed $1,000; and

''(2) for not more than 2 years of undergraduate study.

''(f) MATCHING REQUIREMENT.—In order to receive a grant under this section, a State shall provide matching funds for the scholarships awarded under this section in an amount equal to 50 percent of the Federal funds received.

''(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART B—POSTSECONDARY EDUCATION ASSESSMENT

"SEC. 816. POSTSECONDARY EDUCATION ASSESSMENT.

''(a) CONTRACT FOR ASSESSMENT.—The Secretary shall enter into a contract, with an independent, bipartisan organization with specific expertise in public administration and financial management, to carry out an independent assessment of the cost factors associated with the cost of tuition at institutions of higher education.

''(b) TIMEFRAME.—The Secretary shall enter into the contract described in subsection (a) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007.

''(c) MATTERS ASSESSED.—The assessment described in subsection (a) shall—

''(1) examine the key elements driving the cost factors associated with the cost of tuition at institutions of higher education during the 2001–2002 academic year and succeeding academic years;

''(2) identify and evaluate measures being used to control postsecondary education costs;

''(3) identify and evaluate effective measures that may be utilized to control postsecondary education costs in the future; and

''(4) identify systemic approaches to monitor future postsecondary education cost trends and postsecondary education cost control mechanisms.

"PART C—JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES

"SEC. 821. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide relevant job skill training in high-growth industries or occupations.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership—

''(A) between an institution of higher education and a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998); or

''(B) if an institution of higher education is located within a State that does not operate local boards, between the institution of higher education and a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998).

''(2) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means a student who—

''(A) is independent, as defined in section 480(d);

''(B) attends an institution of higher education—

''(i) on less than a full-time basis;

''(ii) via evening, weekend, modular, or compressed courses; or

''(iii) via distance education methods; or

''(C) has delayed enrollment at an institution of higher education.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101(b), that offers a 1- or 2-year program of study leading to a degree or certificate.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

''(A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth occupations or industries;

''(B) local high-growth occupations or industries; and

''(C) the need for qualified workers to meet the local demand of high-growth occupations or industries.

''(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

''(1) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and

''(2) take into consideration the capability of the institution of higher education—

''(A) to offer relevant, high quality instruction and job skill training for students entering a high-growth occupation or industry;

''(B) to involve the local business community and to place graduates in the community in employment in high-growth occupations or industries;

''(C) to provide secondary students with dual-enrollment or concurrent enrollment options;

''(D) to serve nontraditional or low-income students, or adult or displaced workers; and

''(E) to serve students from rural or remote communities.

''(e) USE OF FUNDS.—Grant funds provided under this section may be used—

''(1) to expand or create academic programs or programs of training that provide relevant job skill training for high-growth occupations or industries;

''(2) to purchase equipment which will facilitate the development of academic programs or programs of training that provide training for high-growth occupations or industries;

''(3) to support outreach efforts that enable students to attend institutions of higher education with academic programs or programs of training focused on high-growth occupations or industries;

''(4) to expand or create programs for distance, evening, weekend, modular, or compressed learning opportunities that provide relevant job skill training in high-growth occupations or industries;

''(5) to build partnerships with local businesses in high-growth occupations or industries;

''(6) to support curriculum development related to entrepreneurial training; and

''(7) for other uses that the Secretary determines to be consistent with the intent of this section.

''(f) REQUIREMENTS.—

''(1) FISCAL AGENT.—For the purpose of this section, the institution of higher education in an eligible partnership shall serve as the fiscal agent and grant recipient for the eligible partnership.

''(2) DURATION.—The Secretary shall award grants under this section for periods that may not exceed 5 years.

''(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (e).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART D—ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS

''SEC. 826. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS.

''(a) AUTHORIZATION.—The Secretary shall award grants to institutions of higher education that offer—

''(1) a R.N. nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional R.N. nursing program students; or

''(2) a graduate-level nursing program to accommodate advanced practice degrees for R.N.s or to accommodate students enrolled in a graduate-level nursing program to provide teachers of nursing students.

''(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

''(1) determine for the 4 academic years preceding the academic year for which the determination is made the average number of matriculated nursing program students at such institution for such academic years; and

''(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number determined under paragraph (1).

''(c) GRANT AMOUNT; AWARD BASIS.—

''(1) GRANT AMOUNT.—For each academic year after academic year 2006–2007, the Secretary shall provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number of matriculated nursing program students at such institution for such academic year that is more than the average number determined with respect to such institution under subsection (b)(1). Such amount shall be used for the purposes described in subsection (a).

''(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

''(A) IN GENERAL.—Subject to subparagraph (B), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

''(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in graduate-level nursing programs;

''(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the baccalaureate degree level; and

''(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the associate degree level.

''(B) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain after the Secretary awards grants under this section to all applicants for the particular category of nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants for the remaining categories of nursing programs.

''(C) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure—

''(i) an equitable geographic distribution of the grants among the States; and

''(ii) an equitable distribution of the grants among different types of institutions of higher education.

''(d) PROHIBITION.—

''(1) IN GENERAL.—Funds provided under this section may not be used for the construction of new facilities.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''PART E—AMERICAN HISTORY FOR FREEDOM

''SEC. 831. AMERICAN HISTORY FOR FREEDOM.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award 3-year grants, on a competitive basis, to eligible institutions to establish or strengthen postsecondary academic programs or centers that promote and impart knowledge of—

''(1) traditional American history;

''(2) the history and nature of, and threats to, free institutions; or

''(3) the history and achievements of Western civilization.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education as defined in section 101.

''(2) FREE INSTITUTION.—The term 'free institution' means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and religious tolerance, and freedom of thought and inquiry.

''(3) TRADITIONAL AMERICAN HISTORY.—The term 'traditional American history' means—

''(A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

''(B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible institution that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of —

''(A) how funds made available under this part will be used for the activities set forth under subsection (e), including how such activities will increase knowledge with respect to traditional American history, free institutions, or Western civilization;

''(B) how the eligible institution will ensure that information about the activities funded under this part is widely disseminated pursuant to subsection (e)(1)(B);

''(C) any activities to be undertaken pursuant to subsection (e)(2)(A), including identification of entities intended to participate;

''(D) how funds made available under this part shall be used to supplement and not supplant non-Federal funds available for the activities described in subsection (e); and

''(E) such fiscal controls and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funding made available to the eligible institution under this part.

''(d) AWARD BASIS.—In awarding grants under this part, the Secretary shall take into consideration the capability of the eligible institution to—

''(1) increase access to quality programming that expands knowledge of traditional American history, free institutions, or Western civilization;

''(2) involve personnel with strong expertise in traditional American history, free institutions, or Western civilization; and

''(3) sustain the activities funded under this part after the grant has expired.

''(e) USE OF FUNDS.—

''(1) REQUIRED USE OF FUNDS.—Funds provided under this part shall be used to—

''(A) establish or strengthen academic programs or centers focused on traditional American history, free institutions, or Western civilization, which may include—

''(i) design and implementation of programs of study, courses, lecture series, seminars, and symposia;

''(ii) development, publication, and dissemination of instructional materials;

''(iii) research;

''(iv) support for faculty teaching in undergraduate and, if applicable, graduate programs;

''(v) support for graduate and postgraduate fellowships, if applicable; or

''(vi) teacher preparation initiatives that stress content mastery regarding traditional American history, free institutions, or Western civilization; and

''(B) conduct outreach activities to ensure that information about the activities funded under this part is widely disseminated—

''(i) to undergraduate students (including students enrolled in teacher education programs, if applicable);

''(ii) to graduate students (including students enrolled in teacher education programs), if applicable;

''(iii) to faculty;

''(iv) to local educational agencies; and

''(v) within the local community.

''(2) ALLOWABLE USES OF FUNDS.—Funds provided under this part may be used to support—

''(A) collaboration with entities such as—

''(i) local educational agencies, for the purpose of providing elementary, middle and secondary school teachers an opportunity to enhance their knowledge of traditional American history, free institutions, or Western civilization; and

''(ii) nonprofit organizations whose mission is consistent with the purpose of this part, such as academic organizations, museums, and libraries, for assistance in carrying out activities described under subsection (a); and

''(B) other activities that meet the purposes of this part.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART F—TEACH FOR AMERICA

''SEC. 836. TEACH FOR AMERICA.

''(a) DEFINITIONS.—

''(1) IN GENERAL.—The terms 'highly qualified', 'local educational agency', and 'Secretary' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) GRANTEE.—The term 'grantee' means Teach For America, Inc.

''(3) HIGH NEED.—The term 'high need', when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

''(b) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

''(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this section—

''(1) to provide highly qualified teachers to high need local educational agencies in urban and rural communities;

''(2) to pay the cost of recruiting, selecting, training, and supporting new teachers; and

''(3) to serve a substantial number and percentage of underserved students.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds provided under this section shall be used by the grantee to carry out each of the following activities:

''(A) Recruiting and selecting teachers through a highly selective national process.

''(B) Providing preservice training to the teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory.

''(C) Placing the teachers in schools and positions designated by partner local educational agencies as high need placements serving underserved students.

''(D) Providing ongoing professional development activities for the teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

''(2) LIMITATION.—The grantee shall use all grant funds received under this section to support activities related directly to the recruitment, selection, training, and support of teachers as described in subsection (a).

''(e) REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

''(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this section;

''(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

''(C) comprehensive data on the background of the teachers chosen, the training the teachers received, the placement sites of the teachers, the professional development of the teachers, and the retention of the teachers.

''(2) STUDY.—

''(A) IN GENERAL.—From funds appropriated under subsection (f), the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this section.

''(B) ACHIEVEMENT GAINS COMPARED.—The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this section with the achievement gains made by students taught by teachers who are not assisted under this section.

''(3) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

''(4) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(2) LIMITATION.—The grantee shall not use more than 25 percent of Federal funds from any source for administrative costs.

''PART G—PATSY T. MINK FELLOWSHIP PROGRAM

''SEC. 841. PATSY T. MINK FELLOWSHIP PROGRAM.

''(a) PURPOSE.—

''(1) IN GENERAL.—It is the purpose of this section to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

''(2) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this section shall be known as a 'Patsy T. Mink Graduate Fellow'.

''(b) DEFINITIONS.—In this section, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

''(c) PROGRAM AUTHORIZED.—

''(1) GRANTS BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this section.

''(B) PRIORITY CONSIDERATION.—In awarding grants under this section, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this section to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

''(2) APPLICATIONS.—

''(A) IN GENERAL.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) APPLICATIONS MADE ON BEHALF.—

''(i) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

''(I) A graduate school or department of such institution.

''(II) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

''(III) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

''(IV) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

''(ii) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this section to an entity other than an eligible institution.

''(3) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

''(A) take into account—

''(i) the number and distribution of minority and female faculty nationally;

''(ii) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and

''(iii) the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

''(B) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculty.

''(4) DISTRIBUTION AND AMOUNTS OF GRANTS.—

''(A) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and independent eligible institutions that apply for grants under this section and that demonstrate an ability to achieve the purpose of this section.

''(B) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 30 percent of the amount appropriated pursuant to subsection (f) to award grants to eligible institutions that—

''(i) are eligible for assistance under title III or title V; or

''(ii) have formed a consortium that includes both non-minority serving institutions and minority serving institutions.

''(C) ALLOCATION.—In awarding grants under this section, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this section.

''(D) NUMBER OF FELLOWSHIP AWARDS.—An eligible institution that receives a grant under this section shall make not less than 15 fellowship awards.

''(E) REALLOTMENT.—If the Secretary determines that an eligible institution awarded a grant under this section is unable to use all of the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the unused funds to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this section.

''(5) INSTITUTIONAL ALLOWANCE.—

''(A) IN GENERAL.—

''(i) NUMBER OF ALLOWANCES.—In awarding grants under this section, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this section, an institutional allowance.

''(ii) AMOUNT.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2007–2008 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715 for such academic year.

''(B) USE OF FUNDS.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

''(C) REDUCTION.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

''(D) USE FOR OVERHEAD PROHIBITED.—Funds made available under this section may not be used for general operational overhead of the academic department or institution receiving funds under this section.

''(d) FELLOWSHIP RECIPIENTS.—

''(1) AUTHORIZATION.—An eligible institution that receives a grant under this section shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

''(A) intend to pursue a career in instruction at—

''(i) an institution of higher education (as the term is defined in section 101);

''(ii) an institution of higher education (as the term is defined in section 102(a)(1));

''(iii) an institution of higher education outside the United States (as the term is described in section 102(a)(2)); or

''(iv) a proprietary institution of higher education (as the term is defined in section 102(b)); and

''(B) sign an agreement with the Secretary agreeing—

''(i) to begin employment at an institution described in paragraph (1) not later than 3 years after receiving the doctoral degree or highest possible degree available, which 3-year period may be extended by the Secretary for extraordinary circumstances; and

''(ii) to be employed by such institution for 1 year for each year of fellowship assistance received under this section.

''(2) FAILURE TO COMPLY.—If an individual who receives a fellowship award under this section fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

''(A) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

''(B) Impose a fine or penalty in an amount to be determined by the Secretary.

''(3) WAIVER AND MODIFICATION.—

''(A) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a)(2).

''(B) CONTENT.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

''(i) inequitable and represent an extraordinary hardship; or

''(ii) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

''(4) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this section shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

''(5) ACADEMIC PROGRESS REQUIRED.—An individual student shall not be eligible to receive a fellowship award—

''(A) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

''(B) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an eligible institution that receives a grant under this section—

''(1) to grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this section; or

''(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 for each of the 5 succeeding fiscal years.

"PART H—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS

"SEC. 846. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.

''(a) IN GENERAL.—The Secretary shall contract with 1 nonprofit organization described in subsection (b) to enable the nonprofit organization—

''(1) to make publicly available the year-to-year higher education enrollment rate trends of secondary school students, disaggregated by secondary school, in full compliance with the Family Education Rights and Privacy Act of 1974;

''(2) to identify not less than 50 urban local educational agencies and 5 States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive needs assessment in the agencies and States of the factors known to contribute to improved higher education enrollment rates, which factors shall include—

''(A) an evaluation of the local educational agency's and State's leadership strategies;

''(B) the secondary school curriculum and class offerings of the local educational agency and State;

''(C) the professional development used by the local educational agency and the State to assist teachers, higher education counselors, and administrators in supporting the transition of secondary students into higher education;

''(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into higher education;

''(E) the data systems used by the local educational agency and the State to measure college enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and school-wide outcomes; and

''(F) strategies to mobilize student leaders to build a college-bound culture; and

''(3) to provide comprehensive services to improve the school-wide higher education enrollment rates of each of not less than 10 local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

''(A) participated in the needs assessment described in paragraph (2); and

''(B) demonstrated a willingness and commitment to improving the higher education enrollment rates of the local educational agency or State, respectively.

''(b) GRANT RECIPIENT CRITERIA.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

''(1) in increasing school-wide higher education enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

''(2) in a college transition data management system.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART I—PREDOMINANTLY BLACK INSTITUTIONS

"SEC. 850. PREDOMINANTLY BLACK INSTITUTIONS.

''(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

''(b) DEFINITIONS.—In this section:

''(1) EDUCATIONAL AND GENERAL EXPENDITURES.—The term 'educational and general expenditures' has the meaning given the term in section 312.

''(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education that—

''(A) has an enrollment of needy undergraduate students;

''(B) has an average educational and general expenditure which is low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 392(b) to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 312(b)(1)(B);

''(C) has an enrollment of undergraduate students that is not less than 40 percent Black American students;

''(D) is legally authorized to provide, and provides within the State, an educational program for which the institution of higher education awards a baccalaureate degree, or in the case of a junior or community college, an associate's degree; and

''(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.

''(3) ENDOWMENT FUND.—The term 'endowment fund' has the meaning given the term in section 312.

''(4) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

''(A) in the second fiscal year preceding the fiscal year for which the determination is made, were Federal Pell Grant recipients for such year;

''(B) come from families that receive benefits under a means-tested Federal benefit program;

''(C) attended a public or nonprofit private secondary school—

''(i) that is in the school district of a local educational agency that was eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for any year during which the student attended such secondary school; and

''(ii) which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of such Act exceeds 30 percent of the total enrollment of such school; or

''(D) are first-generation college students and a majority of such first-generation college students are low-income individuals.

''(5) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given the term in section 402A(g).

''(6) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

''(7) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the program's benefits, or the amount of such benefits, are determined on the basis of income or resources of the individual or family seeking the benefit.

''(8) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education, as defined in section 101(a)—

''(A) that is an eligible institution with not less than 1,000 undergraduate students;

''(B) at which not less than 50 percent of the undergraduate students enrolled at the eligible institution are low-income individuals or first generation college students; and

''(C) at which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the eligible institution is licensed to award by the State in which the eligible institution is located.

''(9) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(c) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, from allotments under subsection (e), to Predominantly Black Institutions to enable the Predominantly Black Institutions to carry out the authorized activities described in subsection (d).

''(2) PRIORITY.—In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in subsections (b)(2)(A) or (b)(2)(C). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(A) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(C).

''(d) AUTHORIZED ACTIVITIES.—

''(1) REQUIRED ACTIVITIES.—Grant funds provided under this section shall be used—

''(A) to assist the Predominantly Black Institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

''(B) to expand higher education opportunities for students eligible to participate in programs under title IV by encouraging college preparation and student persistence in secondary school and postsecondary education; and

''(C) to strengthen the financial ability of the Predominantly Black Institution to serve the academic needs of the students described in subparagraphs (A) and (B).

''(2) ADDITIONAL ACTIVITIES.—Grant funds provided under this section shall be used for 1 or more of the following activities:

''(A) The activities described in paragraphs (1) through (11) of section 311(c).

''(B) Academic instruction in disciplines in which Black Americans are underrepresented.

''(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary school or secondary school in the State that shall include, as part of such program, preparation for teacher certification or licensure.

''(D) Establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

''(E) Other activities proposed in the application submitted pursuant to subsection (f) that—

''(i) contribute to carrying out the purpose of this section; and

''(ii) are approved by the Secretary as part of the review and approval of an application submitted under subsection (f).

''(3) ENDOWMENT FUND.—

''(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

''(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), a Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

''(C) COMPARABILITY.—The provisions of part C of title III, regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

''(4) LIMITATION.—Not more than 50 percent of the grant funds provided to a Predominantly Black Institution under this section may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

''(e) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

''(1) FEDERAL PELL GRANT BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-half of that amount as the number of Federal Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year, bears to the total number of Federal Pell Grant recipients at all such institutions at the end of such academic year.

''(2) GRADUATES BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the number of graduates for such academic year at such institution, bears to the total number of graduates for such academic year at all such institutions.

''(3) GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the percentage of graduates from such institution who are admitted to and in attendance at, not later than 2 years after graduation with an associate's degree or a baccalaureate degree, a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates for all such institutions.

''(4) MINIMUM ALLOTMENT.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1), (2), and (3), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

''(B) INSUFFICIENT AMOUNT.—If the amount appropriated pursuant to subsection (i) for a fiscal year is not sufficient to pay the minimum allotment provided under subparagraph (A) for the fiscal year, then the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allotment shall be increased on the same basis as the allotment was reduced until the amount allotted equals the minimum allotment required under subparagraph (A).

''(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year that the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary determines appropriate.

''(f) APPLICATIONS.—Each Predominantly Black Institution desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under part A or part B of title III.

''(h) DURATION AND CARRYOVER.—Any grant funds paid to a Predominantly Black Institution under this section that are not expended or used for the purposes for which the funds were paid within 10 years following the date on which the grant was awarded, shall be repaid to the Treasury.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of 5 succeeding fiscal years.

''PART J—EARLY CHILDHOOD EDUCATION PROFESSIONAL DEVELOPMENT AND CAREER TASK FORCE

''SEC. 851. SHORT TITLE.

''This part may be cited as the 'Early Childhood Education Professional Development and Career Task Force Act'.

''SEC. 852. PURPOSE.

''It is the purpose of this part—

''(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, and administrators; and

''(2) to create—

''(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, and administrators, that is linked to compensation commensurate with experience and qualifications;

''(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

''(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

''SEC. 853. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.

''In this part, the term 'early childhood education program' means—

''(1) a family child care program, center-based child care program, State prekindergarten program, or school-based program, that—

''(A) provides early childhood education;

''(B) uses developmentally appropriate practices;

''(C) is licensed or regulated by the State; and

''(D) serves children from birth through age 5;

''(2) a Head Start Program carried out under the Head Start Act; or

''(3) an Early Head Start Program carried out under section 645A of the Head Start Act.

''SEC. 854. GRANTS AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to award grants to States in accordance with the provisions of this part to enable such States—

''(1) to establish a State Task Force described in section 855; and

''(2) to support activities of the State Task Force described in section 856.

''(b) COMPETITIVE BASIS.—Grants under this part shall be awarded on a competitive basis.

''(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

''(d) DURATION.—Grants under this part shall be awarded for a period of 5 years.

''SEC. 855. STATE TASK FORCE ESTABLISHMENT.

''(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this part shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this part referred to as the 'State Task Force').

''(b) MEMBERSHIP.—The State Task Force shall include a representative of a State agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, and any other entity or individual the Governor determines appropriate.

''SEC. 856. STATE TASK FORCE ACTIVITIES.

''(a) ACTIVITIES.—The State Task Force shall—

''(1) coordinate and communicate regularly with the State Advisory Council on Early Care and Education (hereafter in this part referred to as 'State Advisory Council') or a similar State entity charged with creating a comprehensive system of early care and education in the State, for the purposes of—

''(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

''(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

''(2) conduct a review of opportunities for and barriers to high quality professional development, training, and higher education degree programs, in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

''(A) race, gender, and ethnicity;

''(B) compensation levels;

''(C) type of early childhood education program setting;

''(D) specialized knowledge of child development;

''(E) years of experience in an early childhood education program; and

''(F) attainment of—

''(i) academic credit for coursework;

''(ii) an academic degree;

''(iii) a credential;

''(iv) licensure; or

''(v) certification in early childhood education; and

''(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan shall include—

''(A) methods of providing outreach to early childhood education program staff, directors, and administrators, including methods for how outreach is provided to non-English speaking providers, in order to enable the providers to be aware of opportunities and resources under the statewide plan;

''(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

''(C) increasing the participation of early childhood educators in high quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;

''(D) increasing the participation of early childhood educators in postsecondary education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such postsecondary education programs, which assistance—

''(i) shall only be provided to an individual who—

''(I) enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and

''(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and

''(ii) shall be provided in an amount that does not exceed $17,500;

''(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

''(F) supporting articulation agreements between 2- and 4-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

''(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

''(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

''(i) entry into and continuing education requirements for professional roles in the field;

''(ii) available financial assistance; and

''(iii) professional development and career advancement in the field;

''(I) enhancing the quality of faculty and coursework in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

''(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise

in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

''(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

''(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

''(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

''SEC. 857. STATE APPLICATION AND REPORT.

''(a) IN GENERAL.—Each State desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

''(1) the membership of the State Task Force;

''(2) the activities for which the grant assistance will be used;

''(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 856;

''(4) the availability within the State of training, early childhood educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

''(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

''(b) REPORT TO THE SECRETARY.—Not later than 2 years after receiving a grant under this part, a State shall submit a report to the Secretary that shall describe—

''(1) other Federal, State, local, and private resources that will be used in combination with a grant under this section to develop or expand the State's early childhood education professional development and career activities;

''(2) the ways in which the State Advisory Council (or similar State entity) will coordinate the various State and local activities that support the early childhood education professional development and career system; and

''(3) the ways in which the State Task Force will use funds provided under this part and carry out the activities described in section 856.

''SEC. 858. EVALUATIONS.

''(a) STATE EVALUATION.—Each State receiving a grant under this part shall—

''(1) evaluate the activities that are assisted under this part in order to determine—

''(A) the effectiveness of the activities in achieving State goals;

''(B) the impact of a career lattice for individuals working in early childhood education programs;

''(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

''(D) the impact of the activities, and the impact of the statewide plan described in section 856(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

''(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

''(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

''(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

''(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).

''SEC. 859. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART K—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS

''SEC. 861. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.

''(a) PURPOSE.—The purpose of this section is—

''(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

''(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

''(b) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Natives Claims Settlement Act (43 U.S.C. 1602(b)).

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a).

''(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

''(A) 1 or more colleges or schools of engineering;

''(B) 1 or more colleges of science, engineering, or mathematics;

''(C) 1 or more institutions of higher education that offer 2-year degrees; and

''(D) 1 or more private entities that—

''(i) conduct career awareness activities showcasing local technology professionals;

''(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through college, and careers in those fields, with the assistance of local technology professionals;

''(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

''(iv) assist with placement of interns and apprentices.

''(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.

''(c) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through college, including existing programs for Alaska Native and Native Hawaiian students.

''(d) USES OF FUNDS.—Grant funds under this section shall be used for 1 or more of the following:

''(1) Development or implementation of cultural, social, or educational transition programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.

''(2) Development or implementation of academic support or supplemental educational programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.

''(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.

''(4) Such other activities that are consistent with the purposes of this section.

''(e) APPLICATION.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible partnership that provides 1 or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.

''(g) PERIOD OF GRANT.—A grant under this section shall be awarded for a period of 5 years.

''(h) EVALUATION AND REPORT.—Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than 6 months after the end of the grant period.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART L—PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES

''SEC. 865. PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES.

''(a) DEFINITIONS.—In this section:

''(1) INSTITUTION OF HIGHER EDUCATION.—Except as otherwise provided in this section, the term 'institution of higher education' means an institution of higher education, as defined in section 101, that provides a 1- or 2-year program of study leading to a degree or certificate.

''(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

''(A) meets the requirements of section 484(a);

''(B) is enrolled at least half time;

''(C) is not younger than age 19 and not older than age 33;

''(D) is the parent of at least 1 dependent child, which dependent child is age 18 or younger;

''(E) has a family income below 200 percent of the poverty line;

''(F) has a secondary school diploma or its recognized equivalent, and earned a passing score on a college entrance examination; and

''(G) does not have a degree or occupational certificate from an institution of higher education, as defined in section 101 or 102(a).

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education to enable the institutions of higher education to provide additional monetary and nonmonetary support to eligible students to enable the eligible students to maintain enrollment and complete degree or certificate programs.

''(c) USES OF FUNDS.—

''(1) REQUIRED USES.—Each institution of higher education receiving a grant under this section shall use the grant funds—

''(A) to provide scholarships in accordance with subsection (d); and

''(B) to provide counseling services in accordance with subsection (e).

''(2) ALLOWABLE USES OF FUNDS.—Grant funds provided under this section may be used—

''(A) to conduct outreach to make students aware of the scholarships and counseling services available under this section and to encourage the students to participate in the program assisted under this section;

''(B) to provide gifts of $20 or less, such as a store gift card, to applicants who complete the process of applying for assistance under this section, as an incentive and as compensation for the student's time; and

''(C) to evaluate the success of the program.

''(d) SCHOLARSHIP REQUIREMENTS.—

''(1) IN GENERAL.—Each scholarship awarded under this section shall—

''(A) be awarded for 1 academic year;

''(B) be awarded in the amount of $1,000 for each of 2 semesters (prorated for quarters), or $2,000 for an academic year;

''(C) require the student to maintain during the scholarship period at least half-time enrollment and a 2.0 or C grade point average; and

''(D) be paid in increments of—

''(i) $250 upon enrollment (prorated for quarters);

''(ii) $250 upon passing midterm examinations (prorated for quarters); and

''(iii) $500 upon passing courses (prorated for quarters).

''(2) NUMBER.—An institution may award an eligible student not more than 2 scholarships under this section.

''(e) COUNSELING SERVICES.—

''(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall use the grant funds to provide students at the institution with a counseling staff dedicated to students participating in the program under this section. Each such counselor shall—

''(A) have a caseload of less than 125 students;

''(B) use a proactive, team-oriented approach to counseling;

''(C) hold a minimum of 2 meetings with students each semester; and

''(D) provide referrals to and follow-up with other student services staff, including financial and career services.

''(2) COUNSELING SERVICES AVAILABILITY.—The counseling services provided under this section shall be available to participating students during the daytime and evening hours.

''(f) APPLICATION.—An institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) the number of students to be served under this section;

''(2) a description of the scholarships and counseling services that will be provided under this section; and

''(3) a description of how the program under this section will be evaluated.

''(g) PERIOD OF GRANT.—The Secretary may award a grant under this section for a period of 5 years.

''(h) EVALUATION.—

''(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall conduct an annual evaluation of the impact of the grant and shall provide the evaluation to the Secretary. The Secretary shall disseminate to the public the findings, information on best practices, and lessons learned, with respect to the evaluations.

''(2) RANDOM ASSIGNMENT RESEARCH DESIGN.—The evaluation shall be conducted using a random assignment research design with the following requirements:

''(A) When students are recruited for the program, all students will be told about the program and the evaluation.

''(B) Baseline data will be collected from all applicants for assistance under this section.

''(C) Students will be assigned randomly to 2 groups, which will consist of—

''(i) a program group that will receive the scholarship and the additional counseling services; and

''(ii) a control group that will receive whatever regular financial aid and counseling services are available to all students at the institution of higher education.

''(3) PREVIOUS COHORTS.—In conducting the evaluation for the second and third years of the program, each institution of higher education shall include information on previous cohorts of students as well as students in the current program year.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART M—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT

''SEC. 871. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

''(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General of the United States and the Secretary of Homeland Security.

''(3) DURATION.—The Secretary shall award each grant under this section for a period of 2 years.

''(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only 1 grant under this section.

''(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share shall be 50 percent.

''(2) NON-FEDERAL SHARE.—The institution of higher education or consortium shall provide the non-Federal share, which may be provided from other Federal, State, and local resources dedicated to emergency preparedness and response.

''(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out 1 or more of the following:

''(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

''(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

''(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

''(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

''(A) security assessments;

''(B) security training of personnel and students at the institution of higher education or consortium;

''(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities; and

''(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others.

''(3) Coordinating with appropriate local entities the provision of, mental health services for students enrolled in the institution of higher education or consortium, including mental health crisis response and intervention services, to individuals affected by a campus or community emergency.

''(d) APPLICATION.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) TECHNICAL ASSISTANCE.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to provide a private right of action to any person to enforce any provision of this section;

''(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

''(3) to affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''SEC. 872. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.

''The Secretary of Education, the Attorney General of the United States, and the Secretary of Homeland Security shall jointly have the authority—

''(1) to advise institutions of higher education on model emergency response policies, procedures, and practices; and

''(2) to disseminate information concerning those policies, procedures, and practices.''.

SEC. 802. ADDITIONAL PROGRAMS.

Title VIII (as added by section 801) is further amended by adding at the end the following:

''PART N—SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM

''SEC. 876. SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the 'Secretary') shall award competitive grants to eligible entities for the purpose of improving public health preparedness through increasing the number of veterinarians in the workforce.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be—

''(A) a public or other nonprofit school of veterinary medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV;

''(B) a public or nonprofit, department of comparative medicine, department of veterinary science, school of public health, or school of medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV and that offers graduate training for veterinarians in a public health practice area as determined by the Secretary; or

''(C) a public or nonprofit entity that—

''(i) conducts recognized residency training programs for veterinarians that are approved by a veterinary specialty organization that is recognized by the American Veterinary Medical Association; and

''(ii) offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary; and

''(2) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

''(c) CONSIDERATION OF APPLICATIONS.—The Secretary shall establish procedures to ensure that applications under subsection (b)(2) are rigorously reviewed and that grants are competitively awarded based on—

''(1) the ability of the applicant to increase the number of veterinarians who are trained in specified public health practice areas as determined by the Secretary;

''(2) the ability of the applicant to increase capacity in research on high priority disease agents; or

''(3) any other consideration the Secretary determines necessary.

''(d) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that demonstrate a comprehensive approach by involving more than one school of veterinary medicine, department of comparative medicine, department of veterinary science, school of public health, school of medicine, or residency training program that offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary.

''(e) USE OF FUNDS.—Amounts received under a grant under this section shall be used by a grantee to increase the number of veterinarians in the workforce through paying costs associated with the expansion of academic programs at schools of veterinary medicine, departments of comparative medicine, departments of veterinary science, or entities offering residency training programs, or academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization, which costs may include minor renovation and improvement in classrooms, libraries, and laboratories.

''(f) DEFINITION OF PUBLIC HEALTH PRACTICE.—In this section, the term 'public health practice' includes bioterrorism and emergency preparedness, environmental health, food safety and food security, regulatory medicine, diagnostic laboratory medicine, and biomedical research.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years. Amounts appropriated under this subsection shall remain available until expended.

''PART O—EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM

''SEC. 881. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.

''(a) DEMONSTRATION PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

''(A) the Secretary awards grants to 4 State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

''(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section.

''(2) GRANTS.—

''(A) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary is authorized to award grants to 4 State educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in a demonstration program under which 8th grade students who are eligible for a free or reduced price meal described in subsection (b)(1)(B) receive a commitment to receive a Federal Pell Grant early in their academic careers.

''(B) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts to each of the 4 participating State educational agencies.

''(b) DEMONSTRATION PROJECT REQUIREMENTS.—Each of the 4 demonstration projects assisted under this section shall meet the following requirements:

''(1) PARTICIPANTS.—

''(A) IN GENERAL.—The State educational agency shall make participation in the demonstration project available to 2 cohorts of students, which shall consist of—

''(i) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

''(ii) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

''(B) STUDENTS IN EACH COHORT.—Each cohort of students shall consist of not more than 10,000 8th grade students who qualify for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966.

''(2) STUDENT DATA.—The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project, except that in no case shall such data be provided in a manner that would reveal personally identifiable information about an individual student.

''(3) FEDERAL PELL GRANT COMMITMENT.—Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that the student is in attendance at an institution of higher education as an undergraduate, if the student applies for Federal financial aid (via the FAFSA or EZ FAFSA) during the student's senior year of secondary school and during succeeding years.

''(4) APPLICATION PROCESS.—The Secretary shall establish an application process to select State educational agencies to participate in the demonstration program and State educational agencies shall establish an application process to select local educational agencies within the State to participate in the demonstration project.

''(5) LOCAL EDUCATIONAL AGENCY PARTICIPATION.—Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, shall be eligible to participate in the demonstration project.

''(c) STATE EDUCATIONAL AGENCY APPLICATIONS.—

''(1) IN GENERAL.—Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) CONTENTS.—Each application shall include—

''(A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);

''(B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;

''(C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and

''(D) such other information as the Secretary may require.

''(d) SELECTION CONSIDERATIONS.—

''(1) SELECTION OF STATE EDUCATIONAL AGENCIES.—In selecting State educational agencies to participate in the demonstration program under this section, the Secretary shall consider—

''(A) the number and quality of State educational agency applications received;

''(B) the Department's capacity to oversee and monitor each State educational agency's participation in the demonstration program;

''(C) a State educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing State resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) ability and plans to run an effective and thorough targeted information campaign

for students served by local educational agencies eligible to participate in the demonstration project; and

''(v) ability to ensure the participation in the demonstration program of a diverse group of students, including with respect to ethnicity and gender.

''(2) LOCAL EDUCATIONAL AGENCY.—In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

''(A) the number and quality of local educational agency applications received;

''(B) the State educational agency's capacity to oversee and monitor each local educational agency's participation in the demonstration project;

''(C) a local educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing local resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) ability and plans to run an effective and thorough targeted information campaign for students served by the local educational agency; and

''(v) ability to ensure the participation in the demonstration project of a diverse group of students with respect to ethnicity and gender.

''(e) EVALUATION.—

''(1) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary shall reserve not more than $1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

''(2) COMPETITIVE BASIS.—The grant or contract shall be awarded on a competitive basis.

''(3) MATTERS EVALUATED.—The evaluation described in this subsection shall—

''(A) determine the number of individuals who were encouraged by the demonstration program to pursue higher education;

''(B) identify the barriers to the effectiveness of the demonstration program;

''(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

''(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

''(E) identify intermediate outcomes related to postsecondary education attendance, such as whether participants—

''(i) were more likely to take a college-prep curriculum while in secondary school;

''(ii) submitted any college applications; and

''(iii) took the PSAT, SAT, or ACT;

''(F) identify the number of individuals participating in the demonstration program who pursued an associate's degree or a bachelor's degree, or other postsecondary education;

''(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

''(H) identify the impact on the parents of students eligible to participate in the demonstration program.

''(4) DISSEMINATION.—The findings of the evaluation shall be reported to the Secretary, who shall widely disseminate the findings to the public.

''(f) TARGETED INFORMATION CAMPAIGN.—

''(1) IN GENERAL.—Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration program assisted under this section.

''(2) PLAN.—Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for their proposed targeted information campaign. The plan shall include the following:

''(A) OUTREACH.—A description of the outreach to students and their families at the beginning and end of each academic year of the demonstration project, at a minimum.

''(B) DISTRIBUTION.—How the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

''(C) INFORMATION.—The annual provision by the State educational agency to all students and families participating in the demonstration program of information regarding—

''(i) the estimated statewide average cost of attendance for an institution of higher education for each academic year, which cost data shall be disaggregated by—

''(I) type of institution, including—

''(aa) 2-year public degree-granting institutions of higher education;

''(bb) 4-year public degree-granting institutions of higher education; and

''(cc) 4-year private degree-granting institutions of higher education;

''(II) component, including—

''(aa) tuition and fees; and

''(bb) room and board;

''(ii) Federal Pell Grants, including—

''(I) the maximum Federal Pell Grant for each award year;

''(II) when and how to apply for a Federal Pell Grant; and

''(III) what the application process for a Federal Pell Grant requires;

''(iii) State-specific college savings programs;

''(iv) State merit-based financial aid;

''(v) State need-based financial aid; and

''(vi) Federal financial aid available to students, including eligibility criteria for such aid and an explanation of the Federal financial aid programs, such as the Student Guide published by the Department of Education (or any successor to such document).

''(3) COHORTS.—The information described in paragraph (2)(C) shall be provided to 2 cohorts of students annually for the duration of the students' participation in the demonstration program. The 2 cohorts shall consist of—

''(A) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

''(B) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

''(4) RESERVATION.—Each State educational agency receiving a grant under this section shall reserve not more than 15 percent of the grant funds received each fiscal year to carry out the targeted information campaign described in this subsection.

''(g) SUPPLEMENT, NOT SUPPLANT.—A State educational agency shall use grant funds received under this section only to supplement the funds that would, in the absence of such funds, be made available from non-Federal sources for students participating in the demonstration program under this section, and not to supplant such funds.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART P—HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES

''SEC. 886. HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

''(b) USE OF FUNDS.—The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

''(1) to facilitate the acquisition of a secure web accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to the United States for preservation and access by future generations;

''(2) to award scholarships to facilitate access to a postsecondary education for students who cannot afford such education;

''(3) to support programmatic efforts associated with the web-based media projects of the archives;

''(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians;

''(5) to develop outreach initiatives that introduce the archival collections to elementary schools and secondary schools;

''(6) to develop supplemental web-based resources that define terms and cultural practices innate to Native Hawaiians;

''(7) to rent, lease, purchase, maintain, or repair educational facilities to house the archival collections;

''(8) to rent, lease, purchase, maintain, or repair computer equipment for use by elementary schools and secondary schools in accessing the archival collections;

''(9) to provide pre-service and in-service teacher training to develop a core group of kindergarten through grade 12 teachers who are able to provide instruction in a way that is relevant to the unique background of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians, in order to—

''(A) facilitate greater understanding by teachers of the unique background of indigenous students; and

''(B) improve student achievement; and

''(10) to increase the economic and financial literacy of postsecondary education students through the dissemination of best practices used at other institutions of higher education regarding debt and credit management and economic decision-making.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 803. STUDENT LOAN CLEARINGHOUSE.

(a) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall establish 1 or more clearinghouses of information on student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) and private loans, for both undergraduate and graduate students) for use by prospective borrowers or any person desiring information regarding available interest rates and other terms from lenders. Such a clearinghouse shall—

(1) have no affiliation with any institution of higher education or any lender;

(2) accept nothing of value from any lender, guaranty agency, or any entity affiliated with a lender or guaranty agency, except

that the clearinghouse may establish a flat fee to be charged to each listed lender, based on the costs necessary to establish and maintain the clearinghouse;

(3) provide information regarding the interest rates, fees, borrower benefits, and any other matter that the Department of Education determines relevant to enable prospective borrowers to select a lender;

(4) provide interest rate information that complies with the Federal Trade Commission guidelines for consumer credit term disclosures; and

(5) be a nonprofit entity.

(b) PUBLICATION OF LIST.—The Secretary of Education shall publish a list of clearinghouses described in subsection (a) on the website of the Department of Education and such list shall be updated not less often than every 90 days.

(c) DISCLOSURE.—Beginning on the date the first clearinghouse described in subsection (a) is established, each institution of higher education that receives Federal assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and that designates 1 or more lenders as preferred, suggested, or otherwise recommended shall include a standard disclosure developed by the Secretary of Education on all materials that reference such lenders to inform students that the students might find a more attractive loan, with a lower interest rate, by visiting a clearinghouse described in subsection (a).

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on whether students are using a clearinghouse described in subsection (a) to find and secure a student loan. The report shall assess whether students could have received a more attractive loan, one with a lower interest rate or better benefits, by using a clearinghouse described in subsection (a) instead of a preferred lender list.

SEC. 804. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

At the end of title VIII (as added by section 801), add the following:

"PART Q—MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION

"SEC. 890. PURPOSES.

''The purposes of the program under this part are to—

''(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies; and

''(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

"SEC. 891. DEFINITION OF ELIGIBLE INSTITUTION.

''In this part, the term 'eligible institution' means an institution that is—

''(1) a historically Black college or university that is a part B institution, as defined in section 322;

''(2) a Hispanic-serving institution, as defined in section 502(a);

''(3) a Tribal College or University, as defined in section 316(b);

''(4) an Alaska Native-serving institution, as defined in section 317(b);

''(5) a Native Hawaiian-serving institution, as defined in section 317(b); or

''(6) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received a Federal Pell Grant for that year.

"SEC. 892. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the activities described in subsection (d).

''(2) GRANT PERIOD.—The Secretary may award a grant to an eligible institution under this part for a period of not more than 5 years.

''(b) APPLICATION AND REVIEW PROCEDURE.—

''(1) IN GENERAL.—To be eligible to receive a grant under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

''(A) a program of activities for carrying out 1 or more of the purposes described in section 890; and

''(B) such other policies, procedures, and assurances as the Secretary may require by regulation.

''(2) REGULATIONS.—After consultation with appropriate individuals with expertise in technology and education, the Secretary shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

''(3) APPLICATION REVIEW CRITERIA.—The application review criteria used by the Secretary for grants under this part shall include consideration of—

''(A) demonstrated need for assistance under this part; and

''(B) diversity among the types of eligible institutions receiving assistance under this part.

''(c) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—An eligible institution that receives a grant under this part shall agree that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant is awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded by the Secretary, or $500,000, whichever is the lesser amount.

''(2) WAIVER.—The Secretary shall waive the matching requirement for any eligible institution with no endowment, or an endowment that has a current dollar value as of the time of the application of less than $50,000,000.

''(d) USES OF FUNDS.—An eligible institution shall use a grant awarded under this part—

''(1) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

''(2) to develop and provide educational services, including faculty development, related to science, technology, engineering, and mathematics;

''(3) to provide teacher preparation and professional development, library and media specialist training, and early childhood educator and teacher aide certification or licensure to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process to improve student achievement;

''(4) to form consortia or collaborative projects with a State, State educational agency, local educational agency, community-based organization, national nonprofit organization, or business, including a minority business, to provide education regarding technology in the classroom;

''(5) to provide professional development in science, technology, engineering, or mathematics to administrators and faculty of eligible institutions with institutional responsibility for technology education;

''(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications; and

''(7) to foster the use of information communications technology to increase scientific, technological, engineering, and mathematical instruction and research.

''(e) DATA COLLECTION.—An eligible institution that receives a grant under this part shall provide the Secretary with any relevant institutional statistical or demographic data requested by the Secretary.

''(f) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of eligible institutions receiving grants under this part for the purposes of—

''(1) fostering collaboration and capacity-building activities among eligible institutions; and

''(2) disseminating information and ideas generated by such meetings.

''(g) LIMITATION.—An eligible institution that receives a grant under this part that exceeds $2,500,000 shall not be eligible to receive another grant under this part until every other eligible institution that has applied for a grant under this part has received such a grant.

"SEC. 893. ANNUAL REPORT AND EVALUATION.

''(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each eligible institution that receives a grant under this part shall provide an annual report to the Secretary on the eligible institution's use of the grant.

''(b) EVALUATION BY SECRETARY.—The Secretary shall—

''(1) review the reports provided under subsection (a) each year; and

''(2) evaluate the program authorized under this part on the basis of those reports every 2 years.

''(c) CONTENTS OF EVALUATION.—The Secretary, in the evaluation under subsection (b), shall—

''(1) describe the activities undertaken by the eligible institutions that receive grants under this part; and

''(2) assess the short-range and long-range impact of activities carried out under the grant on the students, faculty, and staff of the institutions.

''(d) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall submit a report on the program supported under this part to the authorizing committees that shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

"SEC. 894. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

(1) by striking the section heading and inserting ''**LAURENT CLERC NATIONAL DEAF EDUCATION CENTER**'';''

(2) in subsection (a)(1)(A), by inserting ''the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out'' after ''maintain and operate''; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center'';

(B) in paragraph (2), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center''; and

(C) by adding at the end the following:

''(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

''(A)(i) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; and

''(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

''(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and

''(C) publicly report the results of the academic assessments implemented under subparagraph (A) and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).''.

SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(2) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking ''an institution of higher education'' and inserting ''the Rochester Institute of Technology, Rochester, New York''; and

(II) by striking ''of a'' and inserting ''of the''; and

(ii) by striking the second sentence;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) If, pursuant to the agreement established under paragraph (1), either the Secretary or the Rochester Institute of Technology terminates the agreement, the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with one of those institutions for the establishment and operation of a National Technical Institution for the Deaf.''; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''; and

(B) in paragraph (5)—

(i) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(ii) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 904. CULTURAL EXPERIENCES GRANTS.

(a) CULTURAL EXPERIENCES GRANTS.—Title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following:

''PART C—OTHER PROGRAMS

''SEC. 121. CULTURAL EXPERIENCES GRANTS.

''(a) IN GENERAL.—The Secretary shall, on a competitive basis, make grants to, and enter into contracts and cooperative agreements with, eligible entities to support the activities described in subsection (b).

''(b) ACTIVITIES.—In carrying out this section, the Secretary shall support activities providing cultural experiences, through appropriate nonprofit organizations with a demonstrated proficiency in providing such activities, that—

''(1) enrich the lives of deaf and hard-of-hearing children and adults;

''(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or

''(3) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences.

''(c) APPLICATIONS.—An eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) CONFORMING AMENDMENT.—The title heading of title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end ''; OTHER PROGRAMS''.

SEC. 905. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''sections'' and all that follows through the period and inserting ''sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209.''; and

(B) in paragraph (3), by inserting ''and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate'' after ''Secretary''; and

(2) in subsection (c)(2)(A), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 906. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate'';

(2) in paragraph (1), by striking ''preparatory,'';

(3) in paragraph (2)(C), by striking ''upon graduation/completion'' and inserting ''on the date that is 1 year after the date of graduation or completion''; and

(4) in paragraph (3)(B), by striking ''of the institution of higher education'' and all that follows through the period and inserting ''of NTID programs and activities.''.

SEC. 907. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in subsection (b), by striking ''The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of'' and inserting ''The Secretary shall annually transmit information to Congress on''; and

(2) in subsection (c), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

SEC. 908. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking ''Not later than 30 days after the date of enactment of this Act, the'' and inserting ''The''.

SEC. 909. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking ''fiscal years 1998 through 2003'' each place it appears and inserting ''fiscal years 2008 through 2013''.

SEC. 910. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 911. INTERNATIONAL STUDENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking ''preparatory, undergraduate,'' and inserting ''undergraduate'';

(B) by striking ''Effective with'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), effective with''; and

(C) by adding at the end the following:

''(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at NTID or the University and who are residing outside of the United States shall—

''(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

''(B) not be charged a tuition surcharge, as described in subsection (b).''; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

''(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including

undergraduate and graduate students) or NTID shall include, for academic year 2008–2009 and any succeeding academic year, a surcharge of—

''(1) 100 percent for a postsecondary international student from a non-developing country; and

''(2) 50 percent for a postsecondary international student from a developing country.

''(c) REDUCTION OF SURCHARGE.—

''(1) IN GENERAL.—Beginning with the academic year 2008–2009, the University or NTID may reduce the surcharge—

''(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—

''(i) a student described under subsection (b)(1) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources; and

''(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—

''(i) a student described under subsection (b)(2) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

''(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—

''(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

''(B) shall be approved by the Secretary.

''(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $4,825, measured in 1999 United States dollars, as adjusted by the Secretary to reflect inflation since 1999.''.

SEC. 912. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking ''Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 913. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''; and

(2) in subsection (b), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

PART B—UNITED STATES INSTITUTE OF PEACE ACT

SEC. 921. UNITED STATES INSTITUTE OF PEACE ACT.

(a) POWERS AND DUTIES.—Section 1705(b)(3) of the United States Institute of Peace Act (22 U.S.C. 4604(b)(3)) is amended by striking ''the Arms Control and Disarmament Agency,''.

(b) BOARD OF DIRECTORS.—Section 1706 of the United States Institute of Peace Act (22 U.S.C. 4605) is amended—

(1) by striking ''(b)(5)'' each place the term appears and inserting ''(b)(4)''; and

(2) in subsection (e), by adding at the end the following:

''(5) The term of a member of the Board shall not commence until the member is confirmed by the Senate and sworn in as a member of the Board.''.

(c) FUNDING.—Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended—

(1) by striking ''to be appropriated'' and all that follows through the period at the end and inserting ''to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.''; and

(2) by adding at the end the following:

''(d) EXTENSION.—Any authorization of appropriations made for the purposes of carrying out this title shall be extended in the same manner as applicable programs are extended under section 422 of the General Education Provisions Act.''.

PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998

SEC. 931. REPEALS.

The following provisions of title VIII of the Higher Education Amendments of 1998 (Public Law 105–244) are repealed:

(1) Part A.
(2) Part C (20 U.S.C. 1070 note).
(3) Part F (20 U.S.C. 1862 note).
(4) Part J.
(5) Section 861.
(6) Section 863.

SEC. 932. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

''SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

''(a) DEFINITION.—In this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

''(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

''(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

''(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

''(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and vocational training;

''(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

''(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives; and

''(2) provide to each State for each student eligible under subsection (e) not more than—

''(A) $3,000 annually for tuition, books, and essential materials; and

''(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

''(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time);

''(2) is 35 years of age or younger; and

''(3) has not been convicted of—

''(A) a 'criminal offense against a victim who is a minor' or a 'sexually violent offense', as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or

''(B) murder, as described in section 1111 of title 18, United States Code.

''(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may

continue for not more than 1 year after release from confinement.

''(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2008 through 2013.''.

SEC. 933. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.

Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by striking ''this section'' and all that follows through the period at the end and inserting ''this section such sums as may be necessary for fiscal years 2008 through 2013.''.

SEC. 934. OLYMPIC SCHOLARSHIPS UNDER THE HIGHER EDUCATION AMENDMENTS OF 1992.

Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by striking ''to be appropriated'' and all that follows through the period at the end and inserting ''to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.''.

PART D—INDIAN EDUCATION

Subpart 1—Tribal Colleges and Universities

SEC. 941. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking ''in the field of Indian education'' and inserting ''in the fields of tribally controlled colleges and universities and Indian higher education''.

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) 'Indian student' means a student who is—

''(A) a member of an Indian tribe; or

''(B) a biological child of a member of an Indian tribe, living or deceased;''.

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (7) of subsection (a)'' and inserting ''subsection (a)(8)'';

(2) by striking paragraph (5) and inserting the following:

''(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—

''(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

''(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university.''; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (3), the following:

''(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

''(B) according to such an agency or association, is making reasonable progress toward accreditation.''.

(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—

(1) by striking the section designation and heading and all that follows through ''The Secretary shall'' and inserting the following:

''SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.

''(a) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall'';

(2) in the second sentence, by striking ''In the awarding of contracts for technical assistance, preference shall be given'' and inserting the following:

''(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded''; and

(3) in the third sentence, by striking ''No authority'' and inserting the following:

''(b) EFFECT OF SECTION.—No authority''.

(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''(a) Except as provided in section 111,'' and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,'';

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking ''him'' and inserting ''the Secretary''; and

(ii) by striking ''product of'' and inserting ''product obtained by multiplying'';

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking ''section 2(a)(7)'' and inserting ''section 2(a)(8)''; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''$6,000,'' and inserting ''$8,000, as adjusted annually for inflation.''; and

(4) by striking ''except that no grant shall exceed the total cost of the education program provided by such college or university.'' and inserting the following:

''(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.''.

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking ''1999'' and inserting ''2008'';

(2) in paragraphs (1), (2), and (3), by striking ''4 succeeding'' and inserting ''5 succeeding'';

(3) in paragraph (2), by striking ''$40,000,000'' and inserting ''such sums as may be necessary'';

(4) in paragraph (3), by striking ''$10,000,000'' and inserting ''such sums as may be necessary''; and

(5) in paragraph (4), by striking ''succeeding 4'' and inserting ''5 succeeding''.

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking ''1999'' and inserting ''2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(i) TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking ''$2,000,000 for fiscal year 1999'' and inserting ''such sums as may be necessary for fiscal year 2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(j) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—

(1) IN GENERAL.—The Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''Subtitle V—Tribally Controlled Postsecondary Career and Technical Institutions

''SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.

''In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

''SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2008 and each fiscal year thereafter, the Secretary shall—

''(1) subject to subsection (b), select 2 tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

''(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

''(b) SELECTION OF CERTAIN INSTITUTIONS.—

''(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

''(2) INSTITUTIONS.—The 2 tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

''(A) the United Tribes Technical College; and

''(B) the Navajo Technical College.

''(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

''(d) DISTRIBUTION.—

''(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

''(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

''(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

''(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

''(A) dividing the excess amount by the aggregate Indian student count (as defined in section 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h)) of such institutions for the prior academic year; and

''(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

''SEC. 503. APPLICABILITY OF OTHER LAWS.

''(a) IN GENERAL.—Paragraphs (4) and (7) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

''(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on the date of enactment of the Higher Education Amendments of 2007.

''(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institutions to receive Federal financial assistance under—

''(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

''(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

''(3) any other applicable program under which a benefit is provided for—

''(A) institutions of higher education;

''(B) community colleges; or

''(C) postsecondary educational institutions.

''SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary for fiscal year 2008 and each fiscal year thereafter to carry out this title.''.

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

''(1) title I of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

''(2) the Navajo Community College Act (25 U.S.C. 640a et seq.).''; and

(B) by striking subsection (d) and inserting the following:

''(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95–471) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.''.

(2) REFERENCES.—Any reference in law (including regulations) to the Tribally Controlled College or University Assistance Act of 1978 shall be considered to be a reference to the ''Tribally Controlled Colleges and Universities Assistance Act of 1978''.

Subpart 2—Navajo Higher Education

SEC. 945. SHORT TITLE.

This subpart may be cited as the ''Navajo Nation Higher Education Act of 2006''.

SEC. 946. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(2) by striking ''the Navajo Community College'' and inserting ''Diné College''.

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting ''the'' before ''Interior'';

(B) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(C) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(2) in the second sentence—

(A) by striking ''Navajo Tribe'' and inserting ''Navajo Nation''; and

(B) by striking ''Navajo Indians'' and inserting ''Navajo people''.

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''the Navajo Community College'' and inserting ''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 ends of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking '', and'' at the end and inserting ''; and'';

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking '', and'' at the end and inserting a semicolon;

(E) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

''(i) higher education programs;

''(ii) career and technical education;

''(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

''(iv) employment and training opportunities;

''(v) economic development and community outreach; and

''(vi) a safe learning, working, and living environment.''; and

(3) in subsection (c), by striking ''the Navajo Community College'' and inserting ''Diné College''.

(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c–2) is amended—

(1) by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''; and

(2) in subsection (b), by striking ''college'' and inserting ''College''.

(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c–3) is amended by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''.

''SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

''(b) DEFINITIONS.—In this section:

''(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

''(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

''(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

''(C) is continually licensed to practice law.

''(2) STUDENT LOAN.—The term 'student loan' means—

''(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

''(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

''(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

''(ii) a loan made under section 428, 428B, or 428H; or

''(iii) a loan made under part E.

''(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a civil legal assistance attorney; and

''(2) is not in default on a loan for which the borrower seeks repayment.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

''(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

''(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

''(i) $6,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $40,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

''(B) received repayment benefits under this section during the preceding fiscal year; and

''(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 951. SHORT TITLE.

This part may be cited as the ''John R. Justice Prosecutors and Defenders Incentive Act of 2007''.

SEC. 952. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part II (42 U.S.C. 3797cc et seq.) the following:

''PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

''SEC. 3001. GRANT AUTHORIZATION.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

''(b) DEFINITIONS.—In this section:

''(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal or juvenile delinquency cases at the State or local level (including supervision, education, or training of other persons prosecuting such cases).

''(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

''(A) is continually licensed to practice law; and

''(B) is—

''(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

''(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of his or her full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, (including supervision, education, or training of other persons providing such representation); or

''(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

''(3) STUDENT LOAN.—The term 'student loan' means—

''(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

''(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

''(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a prosecutor or public defender; and

''(2) is not in default on a loan for which the borrower seeks forgiveness.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

''(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

''(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection

shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

''(i) $10,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $60,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

''(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

''(B) subject to the availability of appropriations.

''(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) received repayment benefits under this section during the preceding fiscal year; and

''(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) STUDY.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall study and report to Congress on the impact of law school accreditation requirements and other factors on law school costs and access, including the impact of such requirements on racial and ethnic minorities.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SA 5251. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 17. MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

(a) IN GENERAL.—Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2), by striking ''125 miles'' and inserting ''50 miles'';

(3) in paragraph (3), by striking ''100 miles'' each place it appears and inserting ''50 miles''; and

(4) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the outer Continental Shelf.

(2) MINIMUM REQUIREMENTS.—At a minimum, the regulations shall include—

(A) provisions requiring surety bonds of sufficient value to ensure the mitigation of any foreseeable incident;

(B) provisions assigning liability to the leaseholder in the event of an incident causing damage or loss, regardless of the negligence of the leaseholder or lack of negligence;

(C) provisions no less stringent than those contained in the Spill Prevention, Control, and Countermeasure regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(D) provisions ensuring that—

(i) no facility for the exploration or production of resources is visible to the unassisted eye from any shore of any coastal State; and

(ii) the impact of offshore production facilities on coastal vistas is otherwise mitigated;

(E) provisions to ensure, to the maximum extent practicable, that exploration and production activities will result in no significant adverse effect on fish or wildlife (including habitat), subsistence resources, or the environment; and

(F) provisions that will impose seasonal limitations on activity to protect breeding, spawning, and wildlife migration patterns.

(c) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)) is amended by inserting ''and any other area that the Secretary of the Interior may offer for leasing, preleasing, or any related activity under section 104 of that Act'' after ''2006)''.

SEC. 18. DISPOSITION OF REVENUES FROM NEW PRODUCING AREAS OF THE EASTERN GULF OF MEXICO.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. DISPOSITION OF REVENUES FROM NEW PRODUCING AREAS OF THE EASTERN GULF OF MEXICO.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of an Eastern Gulf producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the Eastern Gulf producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) EASTERN GULF PRODUCING STATE.—The term 'Eastern Gulf producing State' means each of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

''(3) MORATORIUM AREA.—The term 'moratorium area' means an area covered by section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) (as in effect on the day before the date of enactment of this section).

''(4) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State of Florida.

''(5) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Beginning on the effective date of the regulations promulgated pursuant to section 17(b) of the Stop Excessive Energy Speculation Act of 2008, the Governor of a State, with the concurrence of the legislature of the State, with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to Eastern Gulf producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

''(2) ALLOCATION TO EASTERN GULF PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO EASTERN GULF PRODUCING STATES.—Effective for fiscal year 2009 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each Eastern Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Eastern Gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each Eastern Gulf producing State, as determined under subparagraph (A), to the coastal political subdivisions of the Eastern Gulf producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4).

''(3) MINIMUM ALLOCATION.—The amount allocated to an Eastern Gulf producing State each fiscal year under paragraph (2)(A) shall be at least 10 percent of the amounts available under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each Eastern Gulf producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by an Eastern Gulf producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.''.

SA 5252. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

(a) IN GENERAL.—Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2), by striking ''125 miles'' and inserting ''50 miles'';

(3) in paragraph (3), by striking ''100 miles'' each place it appears and inserting ''50 miles''; and

(4) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the outer Continental Shelf.

(2) MINIMUM REQUIREMENTS.—At a minimum, the regulations shall include—

(A) provisions requiring surety bonds of sufficient value to ensure the mitigation of any foreseeable incident;

(B) provisions assigning liability to the leaseholder in the event of an incident causing damage or loss, regardless of the negligence of the leaseholder or lack of negligence;

(C) provisions no less stringent than those contained in the Spill Prevention, Control, and Countermeasure regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(D) provisions ensuring that—

(i) no facility for the exploration or production of resources is visible to the unassisted eye from any shore of any coastal State; and

(ii) the impact of offshore production facilities on coastal vistas is otherwise mitigated;

(E) provisions to ensure, to the maximum extent practicable, that exploration and production activities will result in no significant adverse effect on fish or wildlife (including habitat), subsistence resources, or the environment; and

(F) provisions that will impose seasonal limitations on activity to protect breeding, spawning, and wildlife migration patterns.

(c) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)) is amended by inserting ''and any other area that the Secretary of the Interior may offer for leasing, preleasing, or any related activity under section 104 of that Act'' after ''2006)''.

SA 5253. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. DOMESTIC PRODUCTION.

(a) REPEAL.—Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

(b) COMMENCEMENT OF COMMERCIAL LEASING.—Section 369(e) of the Energy Policy Act of 2005 (42 U.S.C. 15927(e)) is amended in the second sentence by inserting '', not earlier than December 31, 2011,'' before ''conduct''.

SEC. ___. ADVANCED BATTERIES FOR ELECTRIC DRIVE VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term ''advanced battery'' means an electrical storage device that is suitable for a vehicle application.

(2) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) the incorporation of qualifying components into the design of an advanced battery; and

(B) the design of tooling and equipment and the development of manufacturing processes and material for suppliers of production facilities that produce qualifying components or advanced batteries.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ADVANCED BATTERY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary shall—

(A) expand and accelerate research and development efforts for advanced batteries; and

(B) emphasize lower cost means of producing abuse-tolerant advanced batteries with the appropriate balance of power and energy capacity to meet market requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $100,000,000 for each of fiscal years 2010 through 2014.

(c) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriated funds, not later than 1 year after the date of enactment of this Act, the Secretary shall carry out a program to provide a total of not more than $250,000,000 in loans to eligible individuals and entities for not more than 30 percent of the costs of 1 or more of—

(A) reequipping a manufacturing facility in the United States to produce advanced batteries;

(B) expanding a manufacturing facility in the United States to produce advanced batteries; or

(C) establishing a manufacturing facility in the United States to produce advanced batteries.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to obtain a loan under this subsection, an individual or entity shall—

(i) be financially viable without the receipt of additional Federal funding associated with a proposed project under this subsection;

(ii) provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(iii) meet such other criteria as may be established and published by the Secretary.

(B) CONSIDERATION.—In selecting eligible individuals or entities for loans under this subsection, the Secretary may consider whether the proposed project of an eligible individual or entity under this subsection would—

(i) reduce manufacturing time;

(ii) reduce manufacturing energy intensity;

(iii) reduce negative environmental impacts or byproducts; or

(iv) increase spent battery or component recycling

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term that is equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; or

(ii) 25 years; and

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary.

(4) PERIOD OF AVAILABILITY.—A loan under this subsection shall be available for—

(A) facilities and equipment placed in service before December 30, 2020; and

(B) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(5) FEES.—The cost of administering a loan made under this subsection shall not exceed $100,000.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2013.

(d) SENSE OF THE SENATE ON PURCHASE OF PLUG-IN ELECTRIC DRIVE VEHICLES.—It is the sense of the Senate that, to the maximum extent practicable, the Federal Government should implement policies to increase the purchase of plug-in electric drive vehicles by the Federal Government.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Tuesday July 29, 2008, at 5:30 p.m..

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. 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 July 29, 2008 at 10 a.m., to conduct a committee hearing entitled ''State of the Insurance Industry: Examining the Current Regulatory and Oversight Structure.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. 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 Tuesday, July 29,2008, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 29, 2008, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 29, 2008, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Dangerous Dust: Is OSHA Doing Enough to Protect Workers?'' on Tuesday, July 29, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Music and Radio in the 21st Century: Assuring Fair Rates and Rules Across Platforms'' on Tuesday, July 29, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 29, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, July 29, 2008 in room 406 of the Dirksen Senate Office Building at 10 a.m. to hold a hearing entitled, ''EPA's Clean Air Interstate Rule (CAIR): Recent Court Decision and Its Implications.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 29, at 9:30 a.m., to conduct a hearing entitled, ''Payroll Tax Abuse: Businesses Owe Billions and What Needs To Be Done About It.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Catherine Zebrowski, a fellow in Senator BROWN's office, be granted the privilege of the floor during consideration of S. 3335, the Jobs, Energy, Families, and Disaster Relief Act of 2008.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Finance Committee staff be allowed floor privileges: Eric Taylor, Damian Kudelka, Helia Jazayeri, Mollie Lane, Adam Lythgoe, Ashleen Williams, Susan Hinck, Kevin Olp, Lucan Hamilton, Katie Meyer, Matt Smith, Connie Cookson, Hy Hinojosa, Mary Baker, and Bridget Mallon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that Paraskevi Maddox, Lyndsey Arnold, and Cale Kassel be granted the privilege of the floor during the duration of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 30, 2008

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, July 30; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S. 2035, the media shield legislation. I further ask that the hour prior to the cloture vote be equally divided and controlled by the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the final 20 minutes under the control of the two leaders, with the majority leader controlling the final 10 minutes prior to the vote and with 10 minutes of majority time under the control of Senator LEAHY; that upon the use or yielding back of time, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SALAZAR. Mr. President, Senators should expect the first vote of the day to begin tomorrow around 11 a.m. That vote will be on the motion to proceed to the media shield bill. If cloture is not invoked, Senators should be prepared for a cloture vote on the motion to proceed to the tax extenders bill, S. 3335.

ORDER FOR ADJOURNMENT

Mr. SALAZAR. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator ARLEN SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

FREE FLOW OF INFORMATION ACT

Mr. SPECTER. Mr. President, I have sought recognition to speak on the

Free Flow of Information Act, which is the reporters' privilege legislation. At the outset, I thank the cosponsors, Senators SCHUMER, LUGAR, DODD, and GRAHAM. I especially thank Senator LUGAR for his contribution to this legislation, because he was the first to take a stand for this issue some time ago.

This legislation is very important to maintain the flow of information to the American people from the newspapers and radio and television stations. It is necessary because we have seen in recent times a flurry of subpoenas being issued to reporters to disclose their confidential sources. A reporter's source of information depends upon their being able to fulfill a commitment of confidentiality. It is unnecessary to recite the long history of the investigative reporting which has provided so much good to the American people or, for that matter, the people of the world. We have had reporters ferret out corruption in government, misfeasance, and wrongdoing. Senators turn the first part of every day to the newspapers to see what is occurring in the world. Frequently in the mix of the news, there are investigative reports which tell Senators more than even our staffs know. I believe Thomas Jefferson put it best in the founding days of the Republic, when he said that if he had to choose newspapers without government or government without newspapers, he would choose newspapers without government.

This legislation passed the Senate Judiciary Committee by the decisive vote of 15 to 4. A version passed the House of Representatives by an overwhelming margin of 398 to 21. It is worth noting that both of the presumptive candidates for President are supportive of this legislation. Senator OBAMA is a cosponsor, and Senator MCCAIN has publicly confirmed that he would vote for this legislation. A group of some 40 sitting State attorneys general, including both Democrats and Republicans, have written in support of this legislation. More than 100 newspapers from all parts of the country have endorsed this legislation, including the Washington Post, the Washington Times, the New York Times, and the Philadelphia Inquirer. I will make a part of the RECORD a full list of those newspapers and public media operations in support of this legislation.

There have been some 72 subpoenas issued since 2006. The chilling effect has been overwhelming, in part because of the issuance of subpoenas and contempt citations. For example, the case of Judith Miller of the New York Times has received extensive publicity. She was jailed for around 85 days for failing to disclose the source of information she had in the case involving the outing of CIA agent Valerie Plame. It has always been a mystery to me why Judith Miller was held in contempt, when it was known that Deputy Secretary of State Armitage was the source of the information. But a special prosecutor subpoenaed numerous witnesses and conducted a very high profile publicity investigation. Ultimately, Judith Miller spent 85 days in jail under very unpleasant circumstances. I can personally attest to the conditions because Michael O'Neal, my chief counsel when I chaired the Judiciary Committee, and I visited her in the Virginia prison where she was detained. The legislation which we are proposing is necessary to maintain the flow of information.

I think it is vital to emphasize that this legislation benefits the American people, allowing them access to the news and information that results from investigative reporting. Investigative reporting has done so much for the public welfare in disclosing fraud, corruption, misfeasance, and wrongdoing at all levels of the Government, as well as at all levels of private, corporate, and public life.

This issue and the vote which is imminent pose a problem for this Senator because of the practice which has evolved to preclude amendments from being offered. We are only facing tomorrow the motion for cloture on the motion to proceed. I do think we ought to proceed to this bill. It is my hope that the majority leader will not act to preclude other Senators from offering amendments. This is a subject I have addressed at considerable length on the global warming bill. I have talked about it on the FAA bill. I have discussed it with the oil speculators bill. It is a matter of great concern as to what has happened to the operation of the Senate.

When I came to this world's greatest deliberative body some 28 years ago, the tradition of the Senate had been maintained that any Senator could offer virtually any amendment on any bill at any time. That was the great unique quality of the Senate and the ability of any Senator to offer an amendment to call public attention to an important issue, to have the floor of the Senate to publicize the issue and to move for the enactment of legislation. But what has happened, surprisingly only in the last 15 years—and it has happened by majority leaders of both parties—is that a procedure has been adopted on what is called filling the tree. That is an arcane expression, known only inside the Beltway. But let me explain it.

When a bill is on the agenda, it is the prerogative of the majority leader to call for action of the Senate. Then the majority leader, under Senate practice and custom, has the right of first recognition. So that the rule that the first Senator to ask for recognition gets the recognition is true, unless the majority leader has sought recognition. On cases of a tie, it is the majority leader. As a matter of practice, nobody challenges the majority leader's right to first recognition. So after the bill is before the Senate, the majority leader then offers an amendment. Then he offers another amendment. Without going into all of the details, a procedure is adopted where no other Senator can offer an amendment.

What has happened on global warming, for example, where I came to the floor and outlined four amendments which I intended to offer on a very important bill, I was precluded from offering them, because the Senate majority leader had taken action to put this procedure in effect on so-called filling the tree. The FAA bill came up, which had funding for a new satellite system for air safety. I had amendments to offer, very important for my State, on overflights from the Philadelphia International Airport and for scheduling issues, where the airport was overscheduled, leading to long delays; people, myself included, sitting on the tarmac waiting to take off.

The tearing that I undertake is a result, for those who see me wiping my eyes, not for any sorrow about what I am doing but a consequence of having Hodgkin's. It makes a fellow pale and thin. Tough but tolerable, as I put it, and I have been able to stay on the job. But if anybody is watching on C–SPAN 2, which is highly doubtful, they may wonder why I am tearing. I am not crying. I am tearing because of the impact of all of the chemicals from the treatment of Hodgkin's.

At any rate, I was commenting about the Philadelphia airport. This affects the State of New Jersey. The Presiding Officer is a Senator from the State of New Jersey. You sit on the tarmac at the Philadelphia airport for a long time because they are overbooked. It is like a restaurant that has 100 seats and they put in 150 patrons. Well, you can't get your table on a reservation. You have a flight leaving at 7 a.m. You wait until many other planes have left. Or when you land, the airport is overbooked, and it is not a very pleasant sensation to circle the city of Philadelphia for a long period of time in the fog and in the rain, wondering how good those air controllers are. They are pretty good, but it is something you wonder about in any event.

We weren't able to offer amendments on the FAA bill. We haven't been able to offer amendments on the oil speculators bill. The headlines in the newspapers over the weekend were: Republicans block oil speculators bill. They recited the Senators from the Philadelphia region, and they noted that the distinguished Senator who is presiding now, Senator MENENDEZ, voted in favor of advancing the bill, as did Senator LAUTENBERG, as did Senator CASEY, as did Senator CARPER, as did Senator BIDEN. Only ARLEN SPECTER voted not to advance the bill. You don't get the picture in a short story. You don't get the picture in the recitation of the vote that I voted against cloture because neither I nor any other Senator had the opportunity to offer amendments. So that if we get to that point, I am conflicted as to what to do. But I don't think we will face that tomorrow with the motion to proceed. I am hopeful we will pass that by a very substantial majority.

There have been opponents who have come to the floor to debate this bill. It is important to note that as a result of the hearings which were held when I was chairman, Senator KYL stated there have been no hearings on this bill in the 110th Congress. Well, when I chaired the Judiciary Committee in the 109th Congress in 2005 and 2006, we had three hearings on the subject and went into the issue in some detail. Senator KYL said the Government could not get information to investigate an act of terrorism. That is not so. The bill states specifically that it is reasonably likely to stop, prevent, or mitigate any, or identify the perpetrator of an act of international terrorism or domestic terrorism, there will be no shield.

Those who have raised objections to the bill have been taken into account. The bill has been substantially improved.

For example, the bill now explicitly states that sensitive governmental information will not be disclosed in open court. The provisions have always been subjected to the Classified Information Protection Act. It had always been available to prosecutors. But when the concern was raised, we put in the specific provision that a ''Federal court may receive and consider submissions from the parties in camera or under seal, and where the court determines appropriate, ex parte'' in order to protect sensitive information.

The bill further provides that the definition of a covered person has been narrowed to ensure it protects only legitimate journalists. The definition of the Second Circuit has been adopted. That definition has worked very well. It requires that the individual have the intent to distribute the information to the public and that he or she had such intent at the time that he or she gathered the information.

The provision also provides that even if terrorists pose as journalists, they do not qualify for the act's protections. The modifications create an expedited appeals process, ensuring that litigation regarding whether the privilege applies will be quickly resolved.

This is motivated by the case involving USA Today reporter, Tony Loci, who was held in contempt of court and fined $5,000 a day. The judge entered an order that her employer or friends and relatives could not pay it. Fortunately for Tony Loci, that case was settled so the contempt citation did not stand.

Numerous journalists across the country have seen what happened to Tony Loci and Judith Miller. It has had a very chilling effect on their activities. People who might give sensitive information under the promises of confidentiality are reluctant to share that information.

Also, under the revisions, prosecutors will not have to prove they have exhausted all other options for finding the information or the information is essential to their investigation.

So what we have, in essence, is very important legislation. It is very important to the functioning of the democracy that there be a free press to report to the American people what has happened, especially on investigative reporting. You cannot have a free press if a reporter cannot obtain information from a confidential source, promise confidentiality, and then deliver. And you cannot have a free press if people such as Tony Loci and Judith Miller are subjected to contempt citations—large fines with Tony Loci, actual imprisonment with Judith Miller of some 85 days.

So this bill is long past due. I am glad to see it brought to the floor. I am hopeful the majority leader will not pursue a course of filling the tree to preclude amendments. I am hopeful we can return to the day when the Senate regains its luster as the world's greatest deliberative body, which means that any 1 of the other 99 Senators can offer amendments, and that it is not just the one Senator, the senior Senator from Nevada, who has the position of majority leader, who can, in effect, dictate what happens in the Senate.

Yesterday, we had a heated exchange on the floor. When we finished voting on the cloture motion, the majority leader refused to allow a quorum call to be taken off. If anyone may be watching on C–SPAN, a quorum call is when there is the absence of a quorum. There are frequent quorum calls when no one seeks recognition. But it is a relatively infrequent occurrence that there is quorum. A quorum means 51 or more Senators. Right now, we are 50 Senators short of a quorum. Most of the time, you only have a few Senators on the floor who may be speaking—three or four. When there are votes, there are many Senators on the floor.

But it is a relatively rare occurrence that a quorum is present. So if someone suggests there is an absence of a quorum, there is a quorum call. And a quorum call cannot be taken off except by unanimous consent or to have a live quorum or to have a motion for the attendance of absent Senators.

But, invariably, when there is a quorum call and someone asks unanimous consent—or virtually invariably—it is granted unless somebody wants to hold up an action on something that is pending. But I have not seen, in my tenure in the Senate, a denial of an application to eliminate the quorum call so speeches can be made.

I and other Senators were waiting for more than an hour. And in conjunction with what the majority leader has done on filling the tree in denying 99 other Senators—mostly minority Senators—the right to offer amendments and refusing to allow the quorum to be lifted, I used the word ''tyrannical,'' and I stand by that.

This body is a great body and has earned great prestige worldwide and I think has earned the stature of the world's greatest deliberative body because of the ability of Senators to offer amendments and the ability of Senators to speak. To be on this floor in a quorum call and to be denied an opportunity to speak is not quite a denial of my first-amendment rights. I can go to the Radio and TV Gallery and call a news conference or walk out and talk to reporters or go on the steps. But having been elected to the Senate, and having a commission to serve here, when no one is on the floor speaking, and there is no reason why I ought to be denied an opportunity to speak except for the technicality of a quorum call, I take umbrage at it. It is just one indication of how we have to go back to the—well, you might call them the old days. Maybe they were good old days, where the Senate functioned with every Senator being able to offer amendments.

A critical part of the functioning of our Government, I suggest, is the ability of the free press to function and reporters to get confidential information, to be able to promise confidentiality and to be able to deliver without being fearful of being held in contempt of court and being put in jail.

Mr. President, before yielding the floor, I ask unanimous consent that the full text of a substitute be printed in the RECORD, which contains the modifications referred to in the course of my oral statement.

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Free Flow of Information Act of 2008''.

SEC. 2. COMPELLED DISCLOSURE FROM COVERED PERSONS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—In any proceeding or in connection with any issue arising under Federal law, a Federal entity may not compel a covered person to comply with a subpoena, court order, or other compulsory legal process seeking to compel the production of protected information, unless a Federal court in the jurisdiction in which the subpoena, court order, or other compulsory legal process has been or would be issued determines, by a preponderance of the evidence, after providing notice and an opportunity to be heard to such covered person—

(1) that the party seeking to compel production of such protected information has exhausted all reasonably known alternative sources of the protected information; and

(2) that—

(A) in a criminal investigation or prosecution—

(i) there are reasonable grounds to believe, based on information obtained from a source other than the covered person, that a crime has occurred;

(ii) there are reasonable grounds to believe, based on information obtained from a source other than the covered person, that the protected information sought is essential to the investigation or prosecution or to the defense against the prosecution; and

(iii) nondisclosure of the information would be contrary to the public interest, taking into account both the interest in compelling disclosure (including the extent of any harm to national security) and the public interest in gathering and disseminating the information or news conveyed and maintaining the free flow of information; or

(B) in a matter other than a criminal investigation or prosecution—

(i) based on information obtained from a source other than the covered person, the protected information sought is essential to the resolution of the matter; and

(ii) the interest in disclosure clearly outweighs the public interest in gathering and disseminating the information or news conveyed and maintaining the free flow of information.

(b) LIMITATIONS ON DEMAND FOR PROTECTED INFORMATION.—A subpoena, court order, or other compulsory legal process seeking protected information that is compelled under subsection (a) shall, to the extent possible be narrowly tailored in purpose, subject matter, and period of time covered so as to avoid compelling production of peripheral, nonessential, or speculative information.

SEC. 3. EXCEPTION RELATING TO EYEWITNESS OBSERVATION OR CRIMINAL OR TORTIOUS CONDUCT BY THE COVERED PERSON.

(a) IN GENERAL.—Section 2 shall not apply to any protected information obtained as the result of the eyewitness observations by a covered person of alleged criminal conduct or the commission of alleged criminal or tortious conduct by the covered person, including any physical evidence or visual or audio recording of the observed conduct.

(b) EXCEPTIONS.—

(1) IN GENERAL.—This section shall not apply, and section 2 shall apply, if the alleged criminal or tortious conduct is the act of communicating information to a covered person.

(2) CLASSIFIED INFORMATION.—Notwithstanding paragraph (1), this section shall not apply, and section 5 shall apply, if the alleged criminal or tortious conduct is an unauthorized release of properly classified information.

SEC. 4. EXCEPTION TO PREVENT AN ACT OF TERRORISM, DEATH, KIDNAPPING, SEXUAL ABUSE OF A MINOR, OR SUBSTANTIAL BODILY INJURY.

(a) IN GENERAL.—Section 2 shall not apply to any protected information that a Federal court finds is reasonably likely to stop, prevent, or mitigate, or identify the perpetrator of, an act of international terrorism or domestic terrorism, as those terms are defined in section 2331 of title 18, United States Code.

(b) OTHER ACTIVITIES.—Section 2 shall not apply to any protected information that a Federal court finds is reasonably likely to stop, prevent, or mitigate a specific case of—

(1) death;

(2) kidnapping;

(3) substantial bodily harm;

(4) conduct that would violate section 2251 or section 2252 of title 18, United States Code (relating to the sexual exploitation of children and child pornography); or

(5) incapacitation or destruction of critical infrastructure (as defined in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e))).

SEC. 5. EXCEPTION TO PREVENT HARM TO THE NATIONAL SECURITY.

Section 2 shall not apply to any protected information, and a Federal court shall compel the disclosure of such protected information, if the court—

(1) finds that the protected information—

(A) would assist in stopping or preventing significant and articulable harm to national security; or

(B) relates to an unauthorized release of properly classified information that has caused or will cause significant and articulable harm to the national security; and

(2) takes into account the balancing of the harm described in paragraph (1) against the public interest in gathering and disseminating the information or news conveyed.

SEC. 6. COMPELLED DISCLOSURE FROM COMMUNICATIONS SERVICE PROVIDERS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—If any document or other information from the account of a person who is known to be, or reasonably likely to be, a covered person is sought from a communications service provider, sections 2 through 5 shall apply in the same manner that such sections apply to any document or information sought from a covered person.

(b) NOTICE AND OPPORTUNITY PROVIDED TO COVERED PERSONS.—A Federal court may compel the disclosure of a document or other information described in subsection (a) only after the covered person from whose account such document or other information is sought has been given—

(1) notice of the subpoena, court order, or other compulsory legal process for such document or other information from the communications service provider not later than the time at which such subpoena, court order, or other compulsory legal process is issued to the communications service provider; and

(2) an opportunity to be heard by the court.

(c) EXCEPTION TO NOTICE REQUIREMENT.—Upon motion by a Federal entity, notice and opportunity to be heard under subsection (b) may be delayed for not more than 45 days if the court determines that there is substantial basis for believing that such notice would pose a substantial threat to the integrity of a criminal or national security investigation or intelligence gathering, or that exigent circumstances exist. This period may be extended by the court for an additional period of not more than 45 days each time the court makes such a determination.

SEC. 7. SOURCES AND WORK PRODUCT PRODUCED WITHOUT PROMISE OR AGREEMENT OF CONFIDENTIALITY.

Nothing in this Act shall supersede, dilute, or preempt any law or court decision regarding a subpoena, court order, or other compulsory legal process relating to disclosure by a covered person or communications service provider of—

(1) information identifying a source who provided information without a promise or agreement of confidentiality made by the covered person; or

(2) records or other information, or contents of a communication obtained without a promise or agreement that such records, other information, or contents of a communication would be confidential.

SEC. 8. PROCEDURES FOR REVIEW AND APPEAL.

(a) CONDITIONS FOR EX PARTE REVIEW OR SUBMISSIONS UNDER SEAL.—With regard to any determination made by a Federal court under this Act, upon a showing of good cause, that Federal court may receive and consider submissions from the parties in camera or under seal, and if the court determines it is necessary, ex parte.

(b) CONTEMPT OF COURT.—With regard to any determination made by a Federal court under this Act, a Federal court may find a covered person to be in civil or criminal contempt if the covered person fails to comply with an order of a Federal court compelling disclosure of protected information.

(c) TO PROVIDE FOR TIMELY DETERMINATION.—With regard to any determination to be made by a Federal court under this Act, that Federal court, to the extent practicable, shall make that determination not later than 30 days after the date of receiving a motion requesting the court make that determination.

(d) EXPEDITED APPEAL PROCESS.—

(1) IN GENERAL.—The courts of appeal shall have jurisdiction—

(A) of appeals by a Federal entity or covered person of an interlocutory order of a Federal court under this Act; and

(B) in an appeal of a final decision of a Federal court by a Federal entity or covered person, to review any determination of a Federal court under this Act.

(2) EXPEDITION OF APPEALS.—It shall be the duty of a Federal court to which an appeal is made under this subsection to advance on the docket and to expedite to the greatest possible extent the disposition of that appeal.

SEC. 9. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to—

(1) preempt any State law relating to defamation, slander, or libel;

(2) modify the requirements of section 552a of title 5, United States Code, or Federal laws or rules relating to grand jury secrecy (except that this Act shall apply in any proceeding and in connection with any issue arising under that section or the Federal laws or rules relating to grand jury secrecy);

(3) preclude a plaintiff from asserting a claim of defamation against a covered person, regardless of whether the claim is raised in a State or Federal court; or

(4) create new obligations, or affect or modify the authorities or obligations of a Federal entity with respect to the acquisition or dissemination of information pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 10. DEFINITIONS.

In this Act:

(1) COMMUNICATIONS SERVICE PROVIDER.—The term ''communications service provider''—

(A) means a person that transmits information of the customer's choosing by electronic means; and

(B) includes a telecommunications carrier, an information service provider, an interactive computer service provider, and an information content provider (as such terms are defined in sections 3 or 230 of the Communications Act of 1934 (47 U.S.C. 153 and 230)).

(2) COVERED PERSON.—The term ''covered person''—

(A) means a person who—

(i) with the primary intent to investigate events and procure material in order to disseminate to the public news or information concerning local, national, or international events or other matters of public interest, regularly gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes on such matters by—

(I) conducting interviews;

(II) making direct observation of events; or

(III) collecting reviewing or analyzing original writings, statements, communications, reports, memoranda, records, transcripts, documents, photographs, recordings, tapes, materials, data or other information whether in paper, electronic or other form; and

(ii) has such intent at the inception of the newsgathering process;

(B) includes a supervisor, employer, parent company, subsidiary, or affiliate of such person; and

(C) does not include any person—

(i) who is a foreign power or an agent of a foreign power, or as to whom there is probable cause to believe that the person is a foreign power or an agent of a foreign power, as those terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(ii) who is a foreign terrorist organization designated under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(iii) who is designated as a Specially Designated Global Terrorist by the Department of the Treasury under Executive Order Number 13224 (50 U.S.C. 1701 note);

(iv) who is a specially designated terrorist, as that term is defined in section 595.311 of title 31, Code of Federal Regulations (or any successor thereto); or

(v) who is a terrorist organization, as that term is defined in section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(II)).

(3) DOCUMENT.—The term ''document'' means writings, recordings, and photographs, as those terms are defined by rule 1001 of the Federal Rules of Evidence (28 U.S.C. App.).

(4) FEDERAL ENTITY.—The term ''Federal entity'' means an entity or employee of the judicial or executive branch or an administrative agency of the Federal Government with the power to issue a subpoena, court order, or issue other compulsory legal process.

(5) PROPERLY CLASSIFIED INFORMATION.—The term ''properly classified information'' means information or documents that have been classified in accordance with Executive Orders, statutes, applicable procedures, and regulations regarding classification of information or documents.

(6) PROTECTED INFORMATION.—The term ''protected information'' means—

(A) information identifying a source who provided information under a promise or agreement of confidentiality made by a covered person; or

(B) any records, contents of a communication, documents, or information that a covered person obtained or created upon a promise or agreement that such records, contents of a communication, documents, or information would be confidential.

Amend the title so as to read: ''A bill to maintain the free flow of information to the public by prescribing conditions under which Federal entities may compel disclosure of confidential information from journalists.''.

Mr. SPECTER. I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:08 p.m., adjourned until Wednesday, July 30, 2008, at 10 a.m.