STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 4100. A bill to expand visa waiver program to countries on a probationary basis and for other purposes; to the Committee on the Judiciary.

Mr. VOINOVICH. Mr. President, I rise to introduce The Secure Travel and Counterterrorism Partnership Act of 2006, along with my good friends Senators AKAKA, LUGAR, MIKULSKI, and SANTORUM.

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

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

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

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

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

Currently, 27 countries participate in the program, including the United Kingdom. But there are a number of new allies who would also like to participate in the Visa Waiver Program and are willing to meet strict security requirements and cooperate on counterterrorism initiatives.

Many of these countries were former members of the Soviet Union. They were victims of Soviet oppression for years, against their will, and despite their desire for freedom.

Today, many of these countries have boots on the ground in Iraq and Afghanistan and want to help us stop the terrorists and promote democracy. These countries are naturally suited to help other countries as they fight for freedom and democracy. Many of these countries are also actively engaged in Cuba, helping to promote democracy there. Likewise, they have a unique understanding of the struggle for democracy that is taking place in Iraq and Afghanistan.

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

I would like to share a few examples to put a human face on this problem.

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

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

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

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

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

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

What would this bill do?

The legislation would expand visa-free travel privileges for up to five new countries, for a probationary period of 3 years.

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

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

Some might say—if these countries are key allies, aren't they cooperating with us already? The answer is yes. They are very cooperative. But in today's heightened security environment, there is more that each country can do, such as sharing additional sensitive information that can help our intelligence community and law enforcement agencies investigate threats and combat terrorist activity. By negotiating new agreements on counterterrorism and information-sharing to permit participation in the Visa Waiver Program, we can reduce threats to the United States.

Additionally, the legislation would require the countries to enact a number of significant security measures, which would limit illegal entry and unlawful presence in their countries and impede travel by terrorists and transnational criminals. Security standards required for participation in the program would include electronic passports with biometric information, as well as prompt reporting of lost, stolen, or fraudulent travel documents to the U.S. and Interpol.

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

If at any time, participant countries are not complying with these requirements, their probationary status in the program could be revoked. Likewise, if the program is determined to be successful, it could be expanded to include additional countries.

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

I was very pleased that last week, Homeland Security Secretary Chertoff recommended several new measures to further enhance the efficiency and security of the Visa Waiver Program. His

recommendations included an electronic travel authorization system, additional passenger information exchanges, common standards for airport security and baggage screening, cooperation in the air marshal program, and home country assistance in repatriation for any traveler who overstays the terms of their visa or violates U.S. law.

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

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

As a member of both the Foreign Relations and the Homeland Security and Governmental Affairs Committees, I believe that we have a real opportunity to improve our foreign relations, our homeland defense, and the visa waiver system overall.

Therefore, I call on my colleagues in the Senate and the House to examine this legislation with a serious eye, refraining from the knee-jerk reaction that an expanded program is bad for national security. When you look at the facts involved and the opportunities ahead, you can see that we have a chance to improve security cooperation and strengthen the bonds of friendship with our allies in the war on terror.

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

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

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

S. 4100

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Secure Travel and Counterterrorism Partnership Act''.

SEC. 2. SENSE OF CONGRESS.

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

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

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

(3) strengthen bilateral relationships.

SEC. 3. VISA WAIVER PROGRAM EXPANSION.

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

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

''(A) REQUIREMENT TO ESTABLISH.—Notwithstanding any other provision of this section and not later than 1 year after the date of the enactment of the Secure Travel and Counterterrorism Partnership Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall establish a pilot program to permit not more than 5 foreign countries that are not designated as program countries under paragraph (1) to participate in the program.

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

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

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

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

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

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

''(C) CONSIDERATIONS FOR COUNTRY SELECTION.—

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

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

''(D) TERM OF PARTICIPATION.—

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

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

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

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

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

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

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

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

''(E) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical guidance to a country that participates in the program under this paragraph to

assist that country in meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section.

''(F) REPORTING REQUIREMENTS.—

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

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

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

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

SEC. 5. REPORTS.

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

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

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

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

By Mr. OBAMA:

S. 4102. A bill to amend the Communications Act of 1934 to prohibit the use of telecommunications devices for the purposes of preventing or obstructing the broadcast or exchange of election-related information; to the Committee on Commerce, Science, and Transportation.

Mr. OBAMA. Mr. President, this year we witnessed a historic election, where the American people said loud and clear that the Nation is going in the wrong direction and things must change. One important part of that change is cleaning up our electoral process.

Dirty tricks are not a new thing in American politics. I am from Chicago, and my hometown has seen its share of political tricks. But some of tricks we have seen in recent elections astounded even those of us who thought we had seen everything.

For example, in 2002, the executive director of the New Hampshire Republican State Committee saw flyers advertising telephone numbers for Democratic get-out-the-vote efforts that offered voters rides to the polls. The executive director then hatched the idea of jamming those phone lines on election day to prevent voters from getting rides to the polls.

He consulted the New England Regional Political Director for the Republican National Committee, who led him to an associate who could handle phone jamming efforts, an outfit called GOP Marketplace. GOP Marketplace contacted an Idaho-based tele-services company that agreed to have employees place hang-up calls to the Manchester Democratic Party and the Manchester Professional Firefighters Association—the two groups offering rides—on election day, November 5, 2002.

As a result of these efforts, the New Hampshire Democratic Party's get-out-the-vote volunteers and employees answered the phones only to find callers who said nothing and immediately hung up. Legitimate voters who called the Manchester Democratic Party or the Manchester Professional Firefighters Association seeking a ride to the polls received busy signals.

The Department of Justice prosecuted many of those responsible for this dirty campaign, and some of the guilty have already served their sentences. These men were tried under existing phone harassment and civil rights laws. However, it is likely that the perpetrators of the next phone jamming effort will not be so ham-handed. General harassment laws may be insufficient to get at the next conspiracy. And even in the most recent election, we continue to hear about instances in which phone lines are misused.

That is why I am introducing the Election Jamming Prevention Act today. This bill will ensure that those who seek to disable election-related telephone communications will be criminally liable. This does not impede political speech—but this does stop nefarious efforts to shut down phone lines to cripple election-related efforts. From get-out-the-vote efforts, to voter education campaigns, qualified voters deserve to have access to information that will assist them in the exercise of their right to vote. Someone's ability to hire a company to place hang-up calls should not determine whether voters get the information they need to go to the polls on election day.

This shouldn't be a partisan issue, so I hope my colleagues on both sides of the aisle will join me in supporting this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4102

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 ''Election Jamming Prevention Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The most fundamental right accorded to United States citizens by the Constitution is the right to vote, and unimpeded exercise of the right to vote is essential to the functioning of our democracy.

(2) Historically, significant efforts have been undertaken to prevent qualified individuals from exercising this right.

(3) Poll taxes, property requirements, and literacy tests were once used to restrict voters' access to the polls. Now, efforts like deceptive practices, intimidation, and dirty tricks are used to impede qualified voters' exercise of their right to vote, to prevent voters from making informed decisions as to how to cast that vote, and to prevent candidates, parties, and organizations from engaging in constitutionally protected political speech.

(4) In recent elections, there have been allegations of political campaigns and committees using telephone jamming techniques to shut down the communication operations of groups supporting their political opponents.

(5) In November 2002, according to the Department of Justice, groups working on behalf of the Republican candidates in New Hampshire conspired to shut down Democratic get-out-the-vote efforts by placing hang-up calls to the phones of the Manchester Democratic Party and the Manchester Professional Firefighters Association, which were providing qualified voters rides to the election polling places. Several people have pled guilty or been convicted in connection with the incident.

(6) As a result of the hang-up call effort, the phone lines of the Manchester Democratic Party and the Manchester Professional Firefighters Association were jammed on election day 2002 and qualified voters were unable to access information that would have facilitated their access to polling places.

(7) The use of telephones or other communication devices to jam election-related communications should be prohibited in order to protect qualified voters' right to vote.

SEC. 3. PROHIBITION ON PREVENTING OR OBSTRUCTING THE BROADCAST OR EXCHANGE OF INFORMATION THROUGH TELECOMMUNICATIONS DEVICES.

(a) PROHIBITION.—

(1) IN GENERAL.—Subparagraph (C) of section 223(a)(1) of the Communications Act of 1934 (47 U.S.C. 223(a)(1)(C)) is amended by striking ''with the intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communications;'' and inserting ''with the intent to—

''(i) annoy, abuse, threaten, or harass any person at the called number or who receives the communications;

''(ii) prevent or obstruct the broadcast or exchange of election-related information; or

''(iii) impair or obstruct any other telecommunications device from being used to engage in communications containing election-related information;''.

(2) ELECTION-RELATED INFORMATION.—Subsection (h) of section 223 of the Communications Act of 1934 (47 U.S.C. 223(h)) is amended by adding at the end the following new paragraph:

''(5) The term 'election-related information' means information related to—

''(A) the endorsement, support, promotion of, or opposition to any clearly identified candidate or slate of candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of

the House of Representatives, or Delegate or Commissioner from a territory or possession;

''(B) the time, place, or manner for the election of such offices; or

''(C) the facilitation of transport to or from polling places for any such election.''.

(b) PRIVATE RIGHT OF ACTION.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended by adding at the end the following new subsection:

''(i) PRIVATE RIGHT OF ACTION FOR INJUNCTIVE OR DECLARATIVE RELIEF AGAINST CERTAIN ACTIONS.—Any person aggrieved by a violation of subsection (a)(1)(C) may bring a civil action or other proper proceeding for injunctive or declarative relief in any court of competent jurisdiction, including an application in a United States district court.''.

By Mr. SMITH:

S. 4104. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing legislation to provide for credit rate parity under section 45 of the Internal Revenue Code for electricity from eligible renewable resources produced and sold after December 31, 2006.

Currently, certain renewable resources such as wind and closed-loop biomass receive a credit of 1.5 cents per kilowatt hour produced. For other renewables, such as open-loop biomass and incremental hydropower, the amount of the credit is reduced by half.

I have been a longtime supporter of the production tax credit. There are significant wind facilities in Oregon, where we have over 335 megawatts of installed wind capacity. These facilities provide clean energy as well as important revenues to farmers and rural counties in Eastern Oregon. My bill does not reduce the credit rate for wind but, rather, increases the rate for those renewables that are currently eligible only for the reduced credit rate.

I have also heard from those industries that receive the reduced credit rate about the disadvantage this creates for them in the marketplace. Often, when bidding to provide green power, the difference in the credit rate makes the difference in being outbid. We should provide a level playing field for all eligible renewables.

I applaud and support the current efforts to extend the existing section 45 tax credits for renewables for another year. I hope that can be accomplished before we adjourn sine die. In introducing this legislation today, I want to begin the discussion that will lead to parity for all of the important new renewable technologies that can help us meet growing demands for electricity with clean, sustainable resources. As a member of the Finance Committee, this is an issue which I will pursue next Congress, and I hope that my colleagues will join me in this effort to encourage the development of renewable energy resources.

By Mr. KERRY:

S. 4107. A bill to amend the Internal Revenue Code of 1986 to replace the Hope and Lifetime Learning credits with a partially refundable college opportunity credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the College Opportunity Tax Credit Act of 2006. This legislation creates a new tax credit that will put the cost of higher education in reach for American families.

An October 2006 College Board report found that this year tuition and other costs at public and private universities rose faster than inflation. And, according to the report, tuition and fees at public universities rose more in the past five years than at any other time in the past 30 years, increasing by 35 percent to $5,836 this academic year. Over the same time period, tuition and fees at private universities increased 22 percent to $22,218.

Unfortunately, neither student aid funds nor family incomes are keeping pace with increasing tuition and fees. In my travels around the country, I frequently hear from parents concerned they will not be able to pay for college for their children. These parents know that earning a college education will result in greater earnings for their children and they desperately want to ensure their kids have the greatest opportunities possible.

In 1997, we implemented two new tax credits to make college affordable—the HOPE credit and the lifetime learning credit. These tax credits were important and have helped families afford college, but I believe we can do more. This week the Senate Finance Committee held a hearing on tax incentives for higher education in which we learned that the existing tax credits are not reaching enough students, particularly lower income students who are most severely impacted by rising tuitions.

The HOPE and lifetime learning credits are not refundable, and therefore a family of four must have an income over $30,000 in order to receive the maximum credit. Almost half of families with college students fail to receive the full credit because their income is too low. In order to receive the full benefit of the lifetime learning credit, a student has to spend $10,000 a year on tuition and fees. This is nearly double the average annual public four-year college tuition and four times the average annual tuition of a community college. Over 80 percent of college students attend schools with tuition and fees under $10,000.

In 2004, I proposed a refundable tax credit to help pay for the cost of 4 years of college. Currently the HOPE Credit applies only to the first 2 years of college. The College Opportunity Tax Credit Act of 2006, COTC, helps students and parents afford all 4 years of college. It also builds on the proposal I made in 2004 by incorporating some of the suggestions made by experts, including those at this week's Finance Committee hearing. My legislation creates a new credit that replaces the existing HOPE credit and lifetime learning credit and ultimately makes these benefits more generous.

The COTC has two components. The first provides a refundable tax credit for a student enrolled in a degree program at least on a half-time basis. It would provide a 100 percent tax credit for the first $1,000 of eligible expenses and a 50 percent tax credit to the next $3,000 of expenses. The maximum credit would be $2,500 each year per student. The second provides a nonrefundable tax credit for part-time students, graduate students, and other students that do not qualify for the refundable tax credit. It provides a 40 percent credit for the first $1,000 of eligible expenses and a 20 percent credit for the next $3,000 of expenses.

Both of these credits can be used for expenses associated with tuition and fees. The same income limits that apply to the HOPE credit and the lifetime learning credit apply to the COTC: the COTC will be phased out ratably for taxpayers with income between $45,000 and $55,000—$90,000 and $110,000 for married taxpayers. These amounts are indexed for inflation, as are the eligible amounts of expenses.

The College Opportunity Tax Credit Act of 2006 simplifies the existing credits that make higher education more affordable and will enable more students to be eligible for tax relief. I understand that many of my colleagues are interested in making college more affordable. I look forward to working with my colleagues to make a refundable tax credit for college education a reality next Congress. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4107

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 ''College Opportunity Tax Credit Act of 2006''.

SEC. 2. COLLEGE OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—

(1) ALLOWANCE OF CREDIT.—Section 25A(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended—

(A) in paragraph (1), by striking ''the Hope Scholarship Credit'' and inserting ''the eligible student credit amount determined under subsection (b)'', and

(B) in paragraph (2), by striking ''the Lifetime Learning Credit'' and inserting ''the part-time, graduate, and other student credit amount determined under subsection (c)''.

(2) NAME OF CREDIT.—The heading for section 25A of such Code is amended to read as follows:

''SEC. 25A. COLLEGE OPPORTUNITY CREDIT.''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of parti IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 25A and inserting the following:

''Sec. 25A. College opportunity credit.''.

(b) ELIGIBLE STUDENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25A(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''the Hope Scholarship Credit'' and inserting ''the eligible student credit amount determined under this subsection'', and

(B) by striking ''PER STUDENT CREDIT'' in the heading and inserting ''IN GENERAL''.

(2) AMOUNT OF CREDIT.—Paragraph (4) of section 25A(b) of such Code (relating to applicable limit) is amended by striking ''2'' and inserting ''3''.

(3) CREDIT REFUNDABLE.—

(A) IN GENERAL.—Section 25A of such Code is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) PORTION OF CREDIT REFUNDABLE.—

''(1) IN GENERAL.—The aggregate credits allowed under subpart C shall be increased by the amount of the credit which would be allowed under this section—

''(A) by reason of subsection (b), and

''(B) without regard to this subsection and the limitation under section 26(a) or subsection (j), as the case may be.

''(2) TREATMENT OF CREDIT.—The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a) or subsection (j), as the case may be.''.

(B) TECHNICAL AMENDMENT.—Section 1324(b) of title 31, United States Code, is amended by inserting '', or enacted by the College Opportunity Tax Credit Act of 2006'' before the period at the end.

(4) LIMITATIONS.—

(A) CREDIT ALLOWED FOR 4 YEARS.—Subparagraph (A) of section 25A(b)(2) of such Code is amended—

(i) by striking ''2'' in the text and in the heading and inserting ''4'', and

(ii) by striking ''the Hope Scholarship Credit'' and inserting ''the credit allowable''.

(B) ELIMINATION OF LIMITATION ON FIRST 2 YEARS OF POSTSECONDARY EDUCATION.—Section 25A(b)(2) of such Code is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(5) CONFORMING AMENDMENTS.—

(A) The heading of subsection (b) of section 25A of such Code is amended to read as follows:

''(b) ELIGIBLE STUDENTS.—''.

(B) Section 25A(b)(2) of such Code is amended—

(i) in subparagraph (B), by striking ''the Hope Scholarship Credit'' and inserting ''the credit allowable'', and

(ii) in subparagraph (C), as redesignated by paragraph (4)(B), by striking ''the Hope Scholarship Credit'' and inserting ''the credit allowable''.

(c) PART-TIME, GRADUATE, AND OTHER STUDENTS.—

(1) IN GENERAL.—Subsection (c) of section 25A of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) PART-TIME, GRADUATE, AND OTHER STUDENTS.—

''(1) IN GENERAL.—In the case of any student for whom an election is in effect under this section for any taxable year, the part-time, graduate, and other student credit amount determined under this subsection for any taxable year is an amount equal to the sum of—

''(A) 40 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the student during any academic period beginning in such taxable year) as does not exceed $1,000, plus

''(B) 20 percent of such expenses so paid as exceeds $1,000 but does not exceed the applicable limit.

''(2) APPLICABLE LIMIT.—For purposes of paragraph (1)(B), the applicable limit for any taxable year is an amount equal to 3 times the dollar amount in effect under paragraph (1)(A) for such taxable year.

''(3) SPECIAL RULES FOR DETERMINING EXPENSES.—

''(A) COORDINATION WITH CREDIT FOR ELIGIBLE STUDENTS.—The qualified tuition and related expenses with respect to a student who is an eligible student for whom a credit is allowed under subsection (a)(1) for the taxable year shall not be taken into account under this subsection.

''(B) EXPENSES FOR JOB SKILLS COURSES ALLOWED.—For purposes of paragraph (1), qualified tuition and related expenses shall include expenses described in subsection (f)(1) with respect to any course of instruction at an eligible educational institution to acquire or improve job skills of the student.''.

(2) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—Subsection (h) of section 25A of such Code (relating to inflation adjustments) is amended by adding at the end the following new paragraph:

''(3) DOLLAR LIMITATION ON AMOUNT OF CREDIT UNDER SUBSECTION (a)(2).—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2007, each of the $1,000 amounts under subsection (c)(1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

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

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.''.

(B) CONFORMING AMENDMENT.—The heading for paragraph (1) of section 25A(h) of such code is amended by inserting ''UNDER SUBSECTION (a)(1)'' after ''CREDIT''.

(d) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 25A of the Internal Revenue Code of 1986, as amended by subsection (b)(3), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (h) the following new subsection:

''(j) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowed under this subpart (other than this section and sections 23, 24, and 25B) and section 27 for the taxable year.''.

(2) CONFORMING AMENDMENT.—Section 25(a)(1) of such Code is amended by inserting ''25A,'' after ''24,''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. LAUTENBERG:

S. 4109. A bill to amend title 49, United States Code, to prohibit the operation of certain aircraft not complying with stage 3 noise levels; to the Committee on Commerce, Science, and Transportation.

Mr. President, I rise today to introduce a bill which would greatly improve the quality of life for many residents of New Jersey, and people across America, by reducing aircraft noise. The Aircraft Noise Reduction Act of 2006 would greatly reduce unnecessary levels of noise pollution by phasing out usage of the loudest aircraft still operating.

I have long had a strong interest in this issue; indeed, I first introduced legislation calling for the phase-out of older, noisier aircraft in 1990, and since then, significant progress has been made. As we face an influx of many new aircraft to our system—some 5,000 new very light jets, VLJs, are expected to enter the U.S. aviation market and our airspace in the next decade—now is the time to rid our skies of the older, noisier planes.

For purposes of rating aircraft noise levels, aircraft have to meet U.S. Environmental Protection Agency noise standards classified as ''stages'': stage 1 and stage 2 noise levels are the loudest, while stage 3 and stage 4 (standards adopted just last year are the quietest. Commercial stage 1 aircraft were phased out by 1985, and Congress mandated the retirement of commercial stage 2 aircraft by 2000. However, these regulations only applied to aircraft weighing more than 75,000 pounds; this means that there are still many loud business jets still in service. The legislation I am introducing today would finally bring closure to this issue by phasing out the use of all remaining stage 1 and stage 2 aircraft in the United States.

The benefits of this total phase-out will be abundant. On average, older, noisier stage 2 aircraft are twice as loud as newer, quieter, stage 3 planes. Unfortunately, at Teterboro Airport in my home State of New Jersey, one of the largest general aviation airports in the country, loud stage 2 planes have been common until recently. This contributed greatly to the noise pollution problems experienced in New Jersey communities, and hurt property values for many citizens. It's precisely why it is critically important to work toward a fleet devoid of stage 1 and stage 2 aircraft.

This issue has particular resonance in New Jersey, because Teterboro Airport and Morristown Airport, among others, are located in densely populated areas. Stage 1 and 2 aircraft flying into these airports constitute an unnecessary daily nuisance for, literally, hundreds of thousands of my constituents, and I believe it is time to take decisive action to correct the problem. Voluntarily banning these aircraft from one airport will only force them to use another local airport, so I believe that a nationwide ban is necessary.

Furthermore, Mr. President, this bill would not only help decrease aircraft noise; it will also promote energy conservation. On average, stage 2 aircraft use 30 percent more fuel than otherwise comparable stage 3 jets, and passage of this bill would eliminate usage of many of the most fuel-inefficient aircraft still operational in America.

My bill takes an approach which is sensitive to the economic hardship of communities who want to allow these

aircraft to continue in use. Individual airports would still be allowed to opt-out of this measure by choosing to accommodate these noisier business jets. Also, the act would not take effect until fully 3 years after enactment, allowing ample time for businesses to adapt to the new regulations.

Mr. President, I believe that this bill represents a significant step forward in the ongoing efforts to control aircraft noise, and I urge my colleagues to support the legislation.

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

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

S. 4109

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 ''Aircraft Noise Reduction Act of 2006''.

SEC. 2. OPERATION OF AIRCRAFT NOT MEETING STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 of title 49, United States Code, is amended by adding at the end the following:

''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

''(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

''(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

''(2) to scrap the aircraft;

''(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

''(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

''(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

''(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

''(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

''(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 of title 49, United States Code, is amended by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 of title 49, United States Code, is amended by striking ''47528-47531'' and inserting ''47528 through 47531 or 47534''.

(3) The chapter analysis for chapter 475 of title 49, United States Code, is amended by inserting after the item relating to section 47533 the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 3 years after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 626 RELATING TO THE RETIREMENT OF LINDA E. SEBOLD

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 626

Whereas Linda E. Sebold has faithfully served the United States Senate for more than 33 years;

Whereas Linda began her service to the Senate as an assistant in the Disbursing Office in 1973;

Whereas Linda became the Committee Scheduling Coordinator for the Daily Digest in 1978 and was promoted to Editor of the Daily Digest in 1999;

Whereas Linda has been a leader in implementing technological advances in the preparation of the Daily Digest;

Whereas Linda has made a significant contribution to continuity of government planning;

Whereas, during her 33½ year tenure, she has at all times discharged the difficult duties and responsibilities of her office with extraordinary efficiency, aplomb, and devotion;

Whereas Linda's service to the Senate has been marked by her personal commitment to the highest standards of excellence; and

Whereas Linda is retiring after more than 33 years service to the United States Senate; Now, therefore, be it

Resolved, That Linda E. Sebold be and hereby is commended for her outstanding service to her country and to the United States Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Linda E. Sebold.

SENATE RESOLUTION 627—COMMEMORATING THE ONE-YEAR ANNIVERSARY OF THE NOVEMBER 9, 2005, TERRORIST ATTACKS IN AMMAN, JORDAN

Mr. LUGAR (for himself, Mr. BIDEN, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 627

Whereas on November 9, 2005, a series of terrorist bombs exploded at the Radisson, Hyatt, and Days Inn hotels in Amman, Jordan, resulting in the deaths of scores of civilians and the injuries of hundreds of others;

Whereas Jordan has been targeted in several terrorist attacks over the past few years and likely remains a target for Islamic extremists;

Whereas Jordan provided unequivocal support to the United States after the September 11, 2001, terrorist attacks;

Whereas Jordan has arrested suspected terrorists with possible ties to Osama bin Laden's Al Qaeda organization and has provided other critical support to the global war on terrorism; and

Whereas Jordan remains a firm ally of the United States in the global war against terrorism and in helping to achieve a lasting peace in the Middle East: Now, therefore, be it

Resolved, That the Senate—

(1) notes with sorrow the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan;

(2) condemns in the strongest possible terms the November 9, 2005, terrorist attacks;

(3) expresses its ongoing condolences to the families and friends of those individuals who were killed in the attacks and its sympathies to those individuals who were injured;

(4) reiterates its support of the Jordanian people and their government;

(5) values the strong and lasting friendship between Jordan and the United States and the continuing cooperation of the two nations in political, economic, and humanitarian endeavors; and

(6) expresses its readiness to support and assist the Jordanian authorities in their efforts to pursue, disrupt, undermine, and dismantle the networks that plan and carry out such terrorist attacks as the November 9, 2005, terrorist attacks in Amman, Jordan.

Mr. LUGAR. Mr. President, I rise today to introduce S. Res. 627 commemorating the 1-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan and reaffirming the support of the United States for the Hashemite Kingdom of Jordan as an important ally in combating terrorism in the region.

The Hashemite Kingdom of Jordan has been a steadfast friend and ally of the United States in the war against terrorism. Sadly, on November 9, 2005, Jordan itself became a victim of terrorism. Terrorists attacked western hotels in its capital city, Amman, killing and injuring scores of people.

This bill condemns the terrorist attacks that took place on November 9 and reaffirms the support of the U.S. Government for the Jordanian people and their government.

SENATE RESOLUTION 628—SUPPORTING THE 200TH ANNIVERSARY OF THE NATION'S NAUTICAL CHARTING AND RELATED SCIENTIFIC PROGRAMS, WHICH FORMED THE BASIS FOR WHAT IS TODAY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. STEVENS (for himself, Mr. INOUYE, Ms. SNOWE, Ms. LANDRIEU, Mr. GREGG, Mr. LOTT, Mr. REED, Ms. CANTWELL, Mr. VITTER, Mr. SALAZAR, Mr.