There was a time when this Congress cared enough about students in this country to create a program called the National Defense Education Act. It was a time when Sputnik had been launched. We were afraid of the Soviet Union and what it might do with its satellite capacity, and Congress, for the first time, said let's create a student loan program, the first time ever.

I know a little about this program because to be one of the participants, one of the borrowers. I borrowed money to go to college and law school from the National Defense Education Act and paid it back after graduation at 3 percent interest. I couldn't have had better treatment and better consideration from those who were lending money.

Those were the early days when we were just thinking about students and education. We knew that the knowledge of America. Now we are talking about big business, fat profits, basically indefensible compensation for the CEOs who run these companies. I hope someone is able to uncover what other fees and payments Sallie Mae or any of its subsidiaries may be receiving to help take the company private.

Will this deal be good for students? Sure, Sallie Mae and many other lenders have long touted that they have been able to offer better deals for students through loan fee and interest rate discounts. Of course, they can offer a discount. They are obviously still making enough money off student loans. Look at their profitability. Look at what has happened to their stock price and how much they are being paid. Yet they made sure the Direct Loan Program, cheaper for the Federal Government, better for the students, could not compete.

Now we know why they have been able to make money off students. The Washington Post recently reported that some lending companies with access to the National Student Loan Data System, which includes confidential information on millions of student loan borrowers, have repeatedly searched the database in ways that violate the Federal rules on privacy. It appears the lenders were giving unauthorized users, such as marketing firms, collection agencies, and loan brokerage firms, access to this database.

Lenders are allowed to access information contained in the database only if they have the permission of the student and a financial relationship with the student, but the Department of Education recently decided to cut off outside access to the database. Were lenders using this information gathered from the database to sell other nonrelated loan products to students? We don't know for sure, but I intend to find out. I have sent letters to the largest student loan companies asking them to reveal how many times they have accessed the database in the last 4 years and explain what they subsequently did with the information.

I am concerned about the proposed sale of Sallie Mae. A private Sallie Mae could lead to even less information being disclosed to the public. Sure, lenders are required to provide certain information in order to participate in the Federal loan program, but we should make sure all lenders are held to the same standards, regardless of whether the lender is a school or a non-profit, a private or a publicly traded company.

Let me conclude by saying that tuition of one-year public institutions has risen by 42 percent in the last 5 years. Students and their families are struggling to pay off college debt. Students are leaving college, on average, with nearly $20,000 in debt, and many much more. We must take serious steps to help these students achieve the American Dream.

On the Democratic side of the aisle we are proposing a $1,090 increase in the maximum Pell grant over 5 years. We believe those who are at a 15 percent of an individual's income, and reducing the student loan interest rate. How will we pay for it? By cutting $22.3 billion from the lenders' subsidies, which we give to those like Sallie Mae. Sure, it is more than Bush's proposed cut, but only a little bit, $2.3 billion. Of course, lenders are claiming that the proposed cut goes beyond what they think is sustainable and that lenders will decide to leave the student loan business. It is difficult to be moved by these claims when a company like Sallie Mae is worth $25 billion and its buyers are willing to pay a 50-percent premium, knowing that the lenders' subsidies will likely be cut.

It is time we return to the day when the Federal Government makes a serious investment in one of its most valuable assets, its children. The future of our country depends on it. We need to be asked more involved in this business of student loans to keep in mind first these students and their families.

THE RETIREMENT OF JOHN C. HICKMAN, JR.

Mr. DURBIN. Mr. President, one of the ways Congress maintains its contact with the American people is by the official report of the business we do. Through its recent modern history, we have published a CONGRESSIONAL RECORD so that people across this country, online and in printed form, can read the words of Senators and can follow every word that is spoken on the floor. They make these publications possible.

Today, Jack Hickman, the morning Business Clerk for the CONGRESSIONAL RECORD, is marking the end of his service to the Senate. In the future he will no longer be able to listen to Senators and not remember a word. But at this point in time he has dispatched his official duties.

I know I speak for the entire Senate family, thanking Jack Hickman for his service.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WYDEN). The clerk will call the roll.

The assistant 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 PRESIDENT (Mr. NELSON OF FLORIDA). Without objection, it is so ordered.

VOTE EXPLANATION

Mr. ROCKEFELLER. Mr. President, I want to explain why I missed two votes early during yesterday's session, Senator DeMint's amendment No. 930 and Senator Coons' amendment No. 918.

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not face the same ordeals they have faced. These are stories that must be told and, more importantly, must be heard in public by those who can and must make changes. These witnesses had good ideas and suggestions on how to change the delivery system for the mental health care of our returning veterans. They spoke passionately about how soldiers are trained to serve bravely and not show weaknesses. I could not walk away from this important hearing about issues crucial to our service members returning from Iraq and Afghanistan.

I am very grateful to veteran Patrick Campbell, Mr. and Mrs. Randall Omvig, and Mr. Tony Bailey for their compelling personal testimonies. I am committed to push hard for action to change the VA system for future veterans and their families.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 5, 2006, in Fairfax County, VA, Leslie Carver was charged with murder for killing Marvin Greenwell. Greenwell was one of nine gay men murdered in what was known as the “pickup murders” of 1993 and 1994. The “pickup murders” were a series of attacks against gay men in the Washington, DC area. While most of these murders remain unsolved, DNA evidence was able to link Carver to the Greenwell murder.

I believe that the Government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE DEATH PENALTY

Mr. FEINGOLD. Mr. President, I rise today to introduce a bill that addresses the death penalty—leaders such as Governor Corzine of New Jersey, Governor O’Malley of Maryland, and Governor Kaine of Virginia. State legislatures in Maryland, Montana, Nebraska, and New Mexico have all given serious consideration to abolition bills in the past 3 months alone. In fact, each of these four measures failed to move to the next step of the process by only one vote. In Maryland, an abolition bill failed by one vote in a committee by one vote. In Montana, a bill to repeal the State’s death penalty passed the senate and then failed by just one vote to move out of a house committee. In Nebraska, the unicameral legislature narrowly defeated a abolition bill forward by just one vote. And in New Mexico, an abolition bill passed the house and then lost in a senate committee by just one vote.

Other States may take important steps. Pennsylvania recently created a commission to study the administration of the State’s death penalty, joining many other States that have already done so. Moratoriums on executions remain in place in Illinois and New Jersey and are under consideration in other States. New York’s death penalty was overturned by a court decision in 2004 and has not been reinstalled by the legislature. Along with New York, four other States that had the death penalty technically on their books have not executed any individuals since 1976. In addition, there are 12 States, plus the District of Columbia, whose laws do not provide for capital punishment at all. And in 11 more States, executions have been halted while the courts grapple with the issue of whether the lethal injection process used by these States is unconstitutional.

At the same time, the number of executions has fallen. In the last year, the number of sentences imposed, and the size of the death row population have decreased for the second year in a row. In the prosecutors’ offices, jury boxes, and legislative chambers, it seems that consensus is growing that it is time for a change. In this connection, it should be noted that the editorial boards of the two major newspapers in the United States have all called for the abolition of the death penalty.

The continued use of the death penalty in the United States is beneath us. The death penalty is at odds with our traditions. It is wrong and it is immoral. The adage “two wrongs do not make a right” applies here in the most fundamental way. Our Nation has long ago done away with other barbaric punishments like whipping and cutting sand and sixty executions and one hundred and twenty-three exonerations in the modern death penalty era. Had those совершения been put to death, 123 people would have been executed. Those executions would have represented an error rate of greater than 10 percent. That is more than an embarrassing statistic; it is a horrifying one, one that should have us all questioning the use of capital punishment in this country. In fact, since 1999 when I first introduced the Federal Death Penalty Abolition Act, 46 death row inmates have been exonerated through-out our country.

The continued use of the death penalty in the United States is beneath us. The death penalty is at odds with our best traditions. It is wrong and it is immoral. The adage “two wrongs do not make a right” applies here in the most fundamental way. Our Nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of criminals. Just as we did away with these punishments as con- trary to our humane sensibilities, it is time to abolish the death penalty. It is not just a matter of morality. The continued viability of our criminal justice system as a truly just system that deserves the respect of our own people re- quires that we do so, as does our Na- tion’s commitment to freedom, liberty, and equality.

I applaud those leaders, be they in State government or in the media, who are stepping forward to challenge a practice that has no place in this day and age. Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As each new voice joins us, we become