

Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stump
Sununu

Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—18

Baker
Clement
Cubin
Dicks
Fattah
Ford
Hall (OH)
Hastings (FL)
Hefley
Luther
Meek (FL)
Owens
Oxley
Stark
Stearns
Taylor (MS)
Wexler
Young (AK)

□ 0354

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Speaker, on rollcall Nos. 507 and 509, I was inadvertently detained. I would have voted "yes".

On rollcall No. 508, the motion to recommit, I would have voted "no."

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the H.R. 3529, the bill just passed.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF JOINT RESOLUTION APPOINTING DAY FOR CONVENING FOR SECOND SESSION OF 107TH CONGRESS

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107-351) on the resolution (H. Res. 322) providing for consideration of a joint resolution appointing the day for the convening of the second session of the 107th Congress, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. J. RES. 79, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107-352) on the resolution (H. Res. 323) providing for consideration of the joint resolution (H. J. Res. 79) making further continuing appropriations for the fiscal year 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3338, DEPARTMENT OF DEFENSE APPROPRIATIONS

Mr. DREIER, from the Committee on Rules, submitted a privileged report

(Rept. No. 107-353) on the resolution (H. Res. 324) waiving points of order against the conference report to accompany the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT REGARDING LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. DREIER. Mr. Speaker, pursuant to the notice requirements of House Resolution 314, I announce that the following measures will be considered under suspension of the rules on Wednesday, December 19, 2001: H.R. 2869 and S. 1741.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX and notwithstanding the Chair's prior announcement, votes on the motions to suspend the rules postponed earlier will be taken tomorrow as will any vote, if ordered, on additional motions to suspend the rules considered later today.

ESTABLISHING FIXED INTEREST RATES FOR STUDENT AND PARENT BORROWERS

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1762) to amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to extend current law with respect to special allowances for lenders, and for other purposes.

The Clerk read as follows:

S. 1762

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

SECTION 1. INTEREST RATE PROVISIONS.

(a) FFEL FIXED INTEREST RATES.—

(1) AMENDMENT.—Section 427A of the Higher Education Act of 1965 (20 U.S.C. 1077a) is amended—

(A) by redesignating subsections (l) and (m) as subsections (m) and (n), respectively; and
(B) by inserting after subsection (k) the following new subsection:

“(l) INTEREST RATES FOR NEW LOANS ON OR AFTER JULY 1, 2006.—

“(1) IN GENERAL.—Notwithstanding subsection (h), with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan.

“(2) PLUS LOANS.—Notwithstanding subsection (h), with respect to any loan under section 428B for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 7.9 percent on the unpaid principal balance of the loan.

“(3) CONSOLIDATION LOANS.—With respect to any consolidation loan under section 428C

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummins
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)

Gutierrez
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoolley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender
McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha

Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

for which the application is received by an eligible lender on or after July 1, 2006, the applicable rate of interest shall be at an annual rate on the unpaid principal balance of the loan that is equal to the lesser of—

“(A) the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of 1 percent; or

“(B) 8.25 percent.”.

(2) CONFORMING AMENDMENT.—Section 428C(c)(1)(A) of such Act (20 U.S.C. 1078-3(c)(1)(A)) is amended to read as follows:

“(1) INTEREST RATE.—(A) Notwithstanding subparagraphs (B) and (C), with respect to any loan made under this section for which the application is received by an eligible lender—

“(i) on or after October 1, 1998, and before July 1, 2006, the applicable interest rate shall be determined under section 427A(k)(4); or

“(ii) on or after July 1, 2006, the applicable interest rate shall be determined under section 427A(l)(3).”.

(b) DIRECT LOANS FIXED INTEREST RATES.—

(1) TECHNICAL CORRECTION.—Paragraph (6) of section 455(b) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)), as redesignated by section 8301(c)(1) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 498) is redesignated as paragraph (9) and is transferred to follow paragraph (7) of section 455(b) of the Higher Education Act of 1965.

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

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph:

“(7) INTEREST RATE PROVISION FOR NEW LOANS ON OR AFTER JULY 1, 2006.—

“(A) RATES FOR FDSL AND FDUSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan.

“(B) PLUS LOANS.—Notwithstanding the preceding paragraphs of this subsection, with respect to any Federal Direct PLUS loan for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 7.9 percent on the unpaid principal balance of the loan.

“(C) CONSOLIDATION LOANS.—Notwithstanding the preceding paragraphs of this subsection, any Federal Direct Consolidation loan for which the application is received on or after July 1, 2006, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the lesser of—

“(i) the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent; or

“(ii) 8.25 percent.”.

(c) EXTENSION OF CURRENT INTEREST RATE PROVISIONS FOR THREE YEARS.—Sections 427A(k) and 455(b)(6) of the Higher Education Act of 1965 (20 U.S.C. 1077a(k), 1087e(b)(6)) are each amended—

(1) by striking “2003” in the heading and inserting “2006”; and

(2) by striking “July 1, 2003,” each place it appears and inserting “July 1, 2006.”.

SEC. 2. EXTENSION OF SPECIAL ALLOWANCE PROVISION.

Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)(I)) is amended—

(1) by striking “, AND BEFORE JULY 1, 2003” in the heading;

(2) by striking “and before July 1, 2003,” each place it appears, other than in clauses (ii) and (v);

(3) by striking clause (ii) and inserting the following:

“(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan—

“(I) for which the first disbursement is made on or after January 1, 2000, and before July 1, 2006, and for which the applicable rate of interest is described in section 427A(k)(2); or

“(II) for which the first disbursement is made on or after July 1, 2006, and for which the applicable rate of interest is described in section 427A(l)(1), but only with respect to (aa) periods prior to the beginning of the repayment period of the loan; or (bb) during the periods in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 427(a)(2)(C) or 428(b)(1)(M);

clause (i)(III) of this subparagraph shall be applied by substituting ‘1.74 percent’ for ‘2.34 percent’.”;

(4) in clause (iii), by inserting “or (l)(2)” after “427A(k)(3)”;

(5) in clause (iv), by inserting “or (l)(3)” after “427A(k)(4)”;

(6) in clause (v)—

(A) in the heading, by inserting “BEFORE JULY 1, 2006” after “PLUS LOANS”; and

(B) by striking “July 1, 2003,” and inserting “July 1, 2006.”;

(7) in clause (vi)—

(A) by inserting “or (l)(3)” after “427A(k)(4)” the first place it appears; and

(B) by inserting “or (l)(3), whichever is applicable” after “427A(k)(4)” the second place it appears; and

(8) by adding at the end the following new clause:

“(vii) LIMITATION ON SPECIAL ALLOWANCES FOR PLUS LOANS ON OR AFTER JULY 1, 2006.—In the case of PLUS loans made under section 428B and first disbursed on or after July 1, 2006, for which the interest rate is determined under section 427A(l)(2), a special allowance shall not be paid for such loan during any 12-month period beginning on July 1 and ending on June 30 unless—

“(I) the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial), as published by the Board of Governors of the Federal Reserve System in Publication H-15 (or its successor), for the last calendar week ending on or before such July 1; plus

“(II) 2.64 percent,

exceeds 9.0 percent.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California, (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1762.

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

There was not objection.

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

Mr. Speaker, I rise tonight in support of S. 1762. This legislation provides for the continued uninterrupted availability of student loan funds to students and their families. The legislation addresses a longstanding problem in the Federal student loan program as

to how student loan interest rates are to be calculated. The problem first came to light several years ago when it was clear that a provision within the Higher Education Act would dramatically alter how interest rates would be determined. The interest rate formula set to take effect back in 1998 would have forced many of the leaders now participating in the Federal Family Education Loan Program to reduce or eliminate their participation.

□ 0400

Mr. Speaker, in 1998, the gentleman from California (Mr. McKEON) and the gentleman from Michigan (Mr. KILDEE) worked diligently to craft a solution to a problem that virtually everyone agreed would be an unintended result of previous legislation. The compromise resulted in the lowest interest rates in the Stafford Loan Program's history. Service was uninterrupted to students and their families and student loan borrowers are now paying the historically low interest rate of 5.99 percent in repayment.

Unfortunately, the compromise reached in 1998 was not made permanent when enacted and is scheduled to expire in 2003, and the unworkable index from the previous legislation is set to go in effect again. It is clear the problem must be corrected to ensure the availability of capital within the student loan program. Lenders in the FFELP program will not be able to finance student loans under the index set to take effect in 2003.

By taking action now and passing S. 1762, we can insure the continued availability of student loan funds to student nationwide. This legislation also extends the current special allowance formula for student loan providers, again, allowing them to continue uninterrupted service to the Nation's students and their families.

Some have asked why do this now. It really does not take effect until 2003. I think the answer is simple: Fixing the problem now will allow us to insure that proper attention is given to improving programs and services during the upcoming reauthorization. This issue consumed the last reauthorization process in 1998 and took away precious time and resources that could have been used more productively. We also have the availability of funds necessary to correct the problem now.

We have agreement on both sides of the aisle and both sides of the Capitol that the time to do this is now, and it should be done now, and, therefore, I urge my colleagues to vote yes tonight on S. 1762.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the gentleman from Ohio has properly explained this bill and what it would do for both the lenders and the student loan program and for the students, and he quite correctly reports to us that this is a work product of a lot of work on a bipartisan

basis to approve this legislation to extend the loan rates for the lenders to make sure they can continue to make a profit and to insure student loan availability to the students.

Let me talk about a bill that we will not be able to bring up tonight, and one of the reasons that I believe S. 1762 will not pass tomorrow. The gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from California (Mr. MCKEON) have introduced legislation which would have provided loan forgiveness to those individuals who lost their spouses on September 11 to make sure that they in fact have this ability to get their lives back in order after this tragic loss of their spouses, in many cases of the major bread winner for the family. It also provided loans to the parents who had a child that might die in that tragedy. Currently they cannot forgive those loans. It also provided for those loans that have been consolidated, because they would not be forgiven under the current law if they had been consolidated by the spouse that died.

This is an effort to try to help these families. We have paid a great deal of attention to this since September 11, recognizing the hardship, recognizing the tragedy that has befallen these families. We have tried to do everything we can to help them get their economic life in order. To have these student loans hanging out there when they have been beset by this tragedy, the victims of terrorism, is just unconscionable.

The bill we are discussing here, the interest rate fix for 2003, need not be done until 2003. The urgency of these families we cannot deny. Already these cases have started to be brought to the attention of the department, and I think it is time for Congress to recognize it.

This is legislation that is not partisan. I think it has every Member of the New York delegation supporting it from both parties, recognizing the needs of these families from the New York metropolitan area and the surrounding states, and we ask that this legislation be passed. But, for whatever reason, we will not be able to consider that. So I think unless we can try and provide the kind of urgency that these families need as they struggle, and we read day-to-day as they try to work their way through all of the bureaucracy that is now springing up over the various funds that have been put in place for them, trying to qualify for funds that have been created with public dollars, with private dollars, with charitable dollars, and at the same time deal with their families, with their children, with the holidays and the rest of it, it is not a big burden.

This has been scored to be essentially de minimis in terms of the cost to the government by CBO. It is one of the things we can do to lighten that burden of these families who have lost individuals in those vicious attacks of September 11.

So, with that, I will say that while this other bill is ready to be passed. I would hope that my colleagues would not support that legislation until such time as we can get consideration of H.R. 3163, offered by the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from California (Mr. MCKEON) from the other side.

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

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

Mr. Speaker, I appreciate the remarks of my colleague from California. The committee has worked diligently with the gentlewoman from New York (Mrs. MCCARTHY) and her cosponsor, the gentleman from California (Mr. MCKEON), over the bill that that was outlined by the gentleman from California (Mr. GEORGE MILLER).

While there were some policy concerns, and we have tried to work through many of them, unfortunately, the scheduling of that bill is way above my pay grade. We have worked for the last several weeks to try to bring some resolution to this matter, and we are going to continue to try to do what we can to bring it to a successful resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I want to thank the chairman for yielding me time and let you know that I rise in strong support of S. 1762. This very important legislation ensures the availability of higher education financing to the students embarking on a very important time in their lives. I do not believe there is a better way to serve the students of this Nation than to ensure a stable source of higher education funding for those who need it.

This legislation provides for the uninterrupted continuation of the Federal Family Education Loan Program, known as FFELP, and provides certainty of interest rates for all borrowers in later years.

As many of my colleagues will remember, in 1998 the gentleman from Michigan (Mr. KILDEE) and I worked diligently on correcting the problem in the Higher Education Act dealing with student loan interest rate calculations. The success of our bipartisan efforts is evidenced by current student loan interest rates. Students in repayment now pay 5.99 percent, the lowest Stafford rates in the program's history.

This low rate, coupled with the discount programs available to students with excellent repayment histories and expanded tax benefits signed into law earlier this year by President Bush, provides students with a low cost means of financing their education, while maintaining a strong and stable student loan program.

However, the agreement we reached in 1998 is running up against the clock. The interest rate formula resulting in new loan rates while maintaining the viability of the FFELP is set to expire

on July 1, 2003. If that occurs, students and parents will be unable to obtain these low cost loans from lenders across the country and lenders that make these low cost loans will not be able to finance student loans under the new rate.

Unfortunately, in 1998 we knew we were only providing a temporary fix to the problem and we would need to address it again in order to permanently correct the problem. By taking this action now, there will be no interruption in the availability of student loan funds and Congress will be able to concentrate fully on the many issues that will confront us during the next reauthorization of the Higher Education Act, including grant aid eligibility, distance education, access, and the high cost of higher education, to name a few.

This legislation also takes one additional step for students and their families. It provides assurances as to what interest rates will be in the future. It provides for both student loans and parent loans to be at a fixed interest rate beginning in 2006. Supporters of this provision feel this will allow families to plan future expenses, knowing clearly what the interest rates on their education loans will be. We can make the continued availability of low cost student loans one less thing students pursuing their dream of higher education need to worry about.

Mr. Speaker, we have worked all year on trying to reach this compromise and work out this solution to this problem. We have worked both sides of the aisle and we have worked with the other body. Sometimes there comes a point where you either do it, or you lose that opportunity forever. I think we all know that we are at that point right now.

I really feel sorry about the thing that has happened with my good friend from New York on not being able to bring her bill up today. But, as the chairman has said, that is above all of our pay ranks on determining that. But it seems to me that hearing the gentleman from California (Mr. GEORGE MILLER) talk about taking this bill down when we have the final vote tomorrow, to inflict the pain of those who have suffered greatly in New York and now to expand that across all the students that will be coming for loans, does not seem to be just to me.

It does not seem to be right where we should inflict somebody's pain or somebody else. I think we would be better off trying to find some other kind of different solution for the problem of the gentlewoman from New York (Mrs. MCCARTHY). I would pledge to help her, as we have in the past, to solve this problem.

I think there are other ways to do that, rather than to inflict punishment on all of the students that may want to attend school and have to have this financial aid to achieve their dream, their part of the American dream.

With that, Mr. Speaker, I urge my colleagues to vote yes on this bill, to

let the students, the young people of this country, have the opportunity to further their education.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say that I had suggested that the gentleman from California (Mr. McKEON) was co-author of the McCarthy bill. He is not. But he has been very, very helpful with her in the drafting of that legislation, and the chairman has been very cooperative in this.

But we have now been trying to get this bill scheduled for a month or more and just have not received any assurances that it will be scheduled. The practical effect of holding back on S. 1762 is that we have 18 months in which this solution can be put into effect, and status of the current law will continue to exist.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank my chairman, and I really do. I know that he has worked extremely hard to try and bring this bill up on the floor. He gave a promise to me, and, as far as I am concerned, he really kept his end of the deal. I am not upset with him at all.

As far as trying to inflict pain on someone else, on all the work that he has done, that is not my style, and he knows that, and I would not do that. But, being in the minority, I do not have to many recourses on trying to do something.

I believe in this bill very, very closely. These are victims that have suffered tremendously. Not only have they suffered tremendously, I do not think we are setting a good example on how we treat our victims that die because of war.

You know, we talk about compassion here. Well, I have to deal with these victims in my district. I have to go to too many memorial services, which we are still going to. So every little thing that I can do for these victims, I am going to do it. And I do not like doing what I have to do tonight, and I have spent and the gentleman from California (Mr. GEORGE MILLER) has spent the evening. We have the votes, unfortunately, to bring this other bill down. But, as I said, we are in the minority, and I have tried every diplomatic way possible to find out what was wrong. We worked with the committee. We made many changes to satisfy our committee.

So, with that, again, I apologize, because I do not like doing this. But it is also my job to protect the victims that are in my district, in Connecticut and throughout this country, and future victims.

With that, Mr. Speaker, I will be certainly on the floor first thing in a couple hours and have my colleagues to vote against this. I am hoping between now and then something can be worked out. I truly mean that.

But, again, I thank my chairman. He has worked well with us on every single thing this whole year. I have been proud to work with the gentleman. I thank the gentleman from California (Mr. GEORGE MILLER) for everything he has done. Believe me, we do not want to be here at a quarter after 4 in the morning having this kind of debate.

□ 0415

But I believe in it strongly and I am going to fight for this one.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, the legislation before us has great merit. It would stabilize the student loan program, and I intend to work as hard as I can to see that it is enacted.

However, another piece of legislation that has great merit and bipartisan support is, in my judgment, being arbitrarily withheld from the floor. The gentlewoman from New York (Mrs. MCCARTHY) has worked very hard on this. She has had the active cooperation of the chairman of our committee and the subcommittee chairman, for which I commend them both.

However, as she said just a moment ago, the minority has only certain rights. She and the gentleman from California (Mr. GEORGE MILLER) have worked diligently throughout the day and, frankly, in days prior to this, to try to bring this legislation before the body. In my judgment, an arbitrary and unreasonable decision has precluded them from doing so.

In the few hours that remain before this vote is scheduled for floor consideration, there is an opportunity to do something about that. I would urge the Speaker and the leadership of the majority party to take that under advisement so we can move forward two pieces of meritorious bipartisan legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Just in closing, Mr. Speaker, I would say that I want to make it very clear to the Members of the House that we have tried with all due diligence to get this legislation scheduled. We were informed at one point today that it would be scheduled, and then that changed in the last couple of hours, that it would not be. I do not know what the objection would be, and it is not clear to us what the objection would be to help out these families to provide this student loan forgiveness to those spouses that may have loans that have lost their spouse in the tragedy of September 11; but that has been articulated to us.

As has been pointed out by the author of the bill and Members of the minority, extensive negotiations have gone on with respect to this legislation

to try and make it workable, to try and make it deliver the benefit that is intended. That has all been worked out. Simply, what we now have is a determination about the scheduling of this.

One could argue, one could argue that we could put this off until next year, but I think as we see these families trying to come to closure, both emotionally and economically, we would do this Congress proud to extend this benefit. We have made several provisions for the forgiveness of student loans. In this instance we simply have overlooked the spouses of those who were killed in the terrorist attack. That can be remedied by the quick passage of this legislation. We really do not know the opposition to it, since we are simply told that it will not be allowed to come to the floor; but we have not had those people come forward and express opposition.

So for that reason, we will be asking Members to withhold their support from the bill under current consideration, S. 1762, for the loan rate fix on student loans. As I said before, there is 18 months before this has to be dealt with. We would like to deal with it now. A lot of work has gone into it. But clearly, we do not have the ability to set the agenda here and we have to use those leverages that are available to us.

I would ask my colleagues to reject this bill so that we can get on with helping these families who are the victims of the terrorist attack on September 11.

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

Mr. BOEHNER. Mr. Speaker, before I yield back the balance of my time, let me just say that I hope we will get this issue resolved sometime tomorrow before we take up the votes on this suspension.

Mr. GEORGE MILLER of California. Mr. Speaker, if the gentleman will yield, I would say to the gentleman, that is today.

Mr. BOEHNER. Well, reclaiming my time, it will be tomorrow's legislative day. The gentleman might think it is today, but it really is tomorrow.

But be that as it may, the underlying bill really will fix a very serious problem that will impact the ability of private lenders to offer student loans. The concern is that once we get into the spring and early summer, it will have a devastating impact on the ability of these private lenders to offer student loans across the Nation.

While I understand the concerns of the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from New York (Mrs. MCCARTHY), we have to make sure that we do not do anything here that would inhibit the ability of any young person or, for that matter, someone who would like to continue their education from getting the financing necessary in order to do so.

Mr. Speaker, I urge my colleagues to vote for the bill.

Mr. HINOJOSA. Mr. Speaker, I rise today in support of S. 1762, a bill to amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to extend current law with respect to special allowances for lenders, and for other purposes.

This legislation proposes to settle the annual issue of student loan interest rate. The issue was temporarily resolved in 1998. S. 1762 incorporates a permanent compromise agreed to by postsecondary student financial aid associations, student groups and lender organizations. Under the bill's provisions, the current variable interest rate formulas for Federal Family Education Loan Program education loans will remain in place until 2006, when the formula for borrowers will revert permanently to fixed rates of 6.8 percent for student borrowers and 7.9 percent for parent borrowers. The only way many Hispanic students can enter postsecondary education and complete their degrees is through the availability to grants and loans. This bill is very important to all Hispanic students nationwide and especially for my state of Texas. I appreciate the support of the Texas Guaranteed Student Loan Corporation, the Texas Association of Student Financial Aid Administrators, and the Association of Texas Lenders for Education for their support.

Finally, Mr. Speaker, I want to thank Ranking Member MILLER and Chairman MCKEON of the 21st Century Competitiveness Subcommittee, for helping to bring the legislation before the House. I also want to fully recognize our Senate colleagues for all their work on this critical issue. I urge all my colleagues in the House to support this bill.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of S. 1762, a bill that will ensure the long-term availability of higher education loans for students and their families. Our nation's higher education loan system under the Federal Family Education Loan Program (FFELP) is an example of government at its best. By working in partnership with students, parents, colleges and universities and private sector loan providers, the federal government has made the dream of college a reality for more than 50 million Americans through the education loan program since 1965.

As families come together during this holiday season, those with children heading off to college next fall will be talking about not only where to attend college, but how to pay for it. For high school students and their families gathered around their kitchen tables, today's action means that the only question they have to ask is "where is their high school senior going to attend college," not whether they can afford it.

For the past 35 years, education loans have been critical to the ability of America's families to be able to afford the rising cost of college tuition. By passing this legislation today, we will maintain our national investment in well-educated, well-trained young people who can compete with workers anywhere in the world. In short, this legislation is good for students, families, schools, taxpayers and the economy.

Finally, Mr. Speaker, I want to commend Chairman BOEHNER, Ranking Member MILLER and Chairman MCKEON for their leadership in assuring the continued availability of education loans for future generations of students. This is important legislation for our nation and I urge my colleagues to support it.

Mr. BOEHNER. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass Senate bill, S. 1762.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2001

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1793) to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

The Clerk read as follows:

S. 1793

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 "Higher Education Relief Opportunities for Students Act of 2001".

SEC. 2. WAIVER AUTHORITY FOR RESPONSE TO NATIONAL EMERGENCY.

(a) WAIVERS AND MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this Act as the "Secretary") may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) as the Secretary deems necessary in connection with the national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) borrowers of Federal student loans who are affected individuals are not placed in a worse position financially in relation to those loans because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are borrowers of Federal student loans are minimized, to the extent possible without impairing the integrity of the student loan programs, to ease the burden on such borrowers and avoid inadvertent, technical violations or defaults;

(C) the calculation of "annual adjusted family income" and "available income", as used in the determination of need for student financial assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070

et seq.) for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family; and

(D) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) that are located in, or whose operations are directly affected by, areas that are declared disaster areas by any Federal, State, or local official in connection with the national emergency may be granted temporary relief from requirements that are rendered infeasible or unreasonable by the national emergency, including due diligence requirements and reporting deadlines.

(b) NOTICE OF WAIVERS OR MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) TERMS AND CONDITIONS.—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) CASE-BY-CASE BASIS.—The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) IMPACT REPORT.—The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a) on affected individuals and the programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and the basis for such determination, and include in such report the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

(d) NO DELAY IN WAIVERS AND MODIFICATIONS.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the waivers and modifications authorized or required by this Act.

SEC. 3. TUITION REFUNDS OR CREDITS FOR MEMBERS OF ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all institutions offering postsecondary education should provide a full refund to students who are members of the Armed Forces serving on active duty during the national emergency, for that portion of a period of instruction such student was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for such service; and

(2) if affected individuals withdraw from a course of study as a result of such service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

(b) DEFINITION OF FULL REFUND.—For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.