

country faces great tragedy again and a tremendous national challenge in the wake of Hurricane Katrina.

I would like to assure the people of Louisiana, Mississippi, and Alabama that New Yorkers who lived through 9/11 understand the shock and dismay being felt deeply after Hurricane Katrina.

We are well aware that time and great effort will be needed to rebuild after Hurricane Katrina, but we know also that the recovery will advance strongly because of the great will of the people of Louisiana, Mississippi, and Alabama. I also hope that the recovery will be spurred by the strong support most assuredly coming from countless New Yorkers and Americans from all corners of the country.

I stand ready to work with Members of Congress from Louisiana, Mississippi, and Alabama to advance all Federal programs necessary for recovery operations after Katrina. My thoughts and prayers are with those affected by Hurricane Katrina and with the people now facing great recovery challenges in its wake.

Mr. LARSEN of Washington. Mr. Speaker, I would like to convey my deepest condolences to the victims of Hurricane Katrina, many of whom lost loved ones, their homes and their livelihoods. Many constituents have contacted my office, concerned about relatives, friends, and fellow Americans in that area. A member of my own staff has been touched by this tragedy and has dozens of family members displaced and in distress. Our thoughts and prayers are with his family and all those other families who have been affected by this disaster.

While we are devastated by this tragedy, our faith, perseverance and American spirit of generosity will ensure that we help the region and its residents recover and rebuild.

The Pacific Northwest, where my Congressional District is located, is about as far north and west of this tragedy as you can get in the continental U.S. Yet even there, Governor Gregoire is coordinating with state and Federal officials nationwide to get state employees and volunteers on the ground in the affected areas. Our state has readied 600 Washington National Guard soldiers and airmen. We have offered up our State's refueling aircraft, support personnel, helicopters, and satellite communications systems, among other assets. Washington State's residents are giving generously to aid relief efforts and victims. It is likely that we will soon provide a temporary home to thousands of displaced hurricane victims.

I would also like to extend my deepest gratitude to organizations such as the Red Cross for their significant disaster relief efforts. The Red Cross has said that this is their largest relief effort ever—larger than after September 11, 2001, and larger than all four Florida hurricanes last year. We continue hearing heartwarming stories of American Red Cross volunteers from across the Nation, including in my Congressional District, who have already headed down to help with relief efforts.

As we respond to this tragedy, I will continue working with my colleagues to provide needed Federal assistance to the people harmed by this disaster. I know that in months ahead there will be much work to do. As Americans, we have pulled together through tragedies in the past. I am confident that we will demonstrate that same unity and perseverance in overcoming the devastating effects of Hurricane Katrina.

Mr. OBERSTAR. Mr. Speaker, 10 days ago Hurricane Katrina slammed into America's Gulf Coast. The devastation we have seen is unprecedented. While the Federal Government's response to this devastation has itself been a management catastrophe, I have been heartened by the overwhelming response of our fellow Americans to the victims of Katrina. People have opened their homes and their hearts to their victims. They have donated food, clothing, and money. The goodness of our citizens to one another, especially in their time of need, should make all Americans proud.

With a heavy heart, but with confidence in a better future, I join all my colleagues today in expressing my personal deep sense of sorrow and offering the condolences of a nation to all the victims of Hurricane Katrina. All who have watched these tragic events unfold before us on TV are inspired by, and in awe of, the resilience of the New Orleanians, their courage under adversity, their extraordinary self-sacrifice in mutual assistance, their love of their city, and their determination to rebuild their lives. I pledge my enduring efforts—and I know that my colleagues on the Committee on Transportation and Infrastructure join in this pledge—to provide New Orleans and the states of Louisiana, Mississippi, and Alabama, the resources necessary for the reconstruction efforts.

Today we must remain focused on the recovery from the devastation wrought by Katrina. However, in the coming weeks and months, this Congress must investigate the Government's disastrous response to this disaster. To begin that process, Congresswoman NORTON and I have introduced a bill, H.R. 3659, to reestablish FEMA as an independent agency outside of the control of the bureaucracy of the Department of Homeland Security.

The Government's first priority must be to protect its citizens. It has failed to honor that responsibility, and we must insure that such failure never happens again.

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

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the order of the House of today, the resolution is considered as read and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 53 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1630

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 4 o'clock and 30 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

#### FEDERAL JUDICIARY EMERGENCY SPECIAL SESSIONS ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3650) to allow United States courts to conduct business during emergency conditions, and for other purposes.

The Clerk read as follows:

H.R. 3650

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

#### SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Federal Judiciary Emergency Special Sessions Act of 2005".

#### SEC. 2. EMERGENCY AUTHORITY TO CONDUCT COURT PROCEEDINGS OUTSIDE THE TERRITORIAL JURISDICTION OF THE COURT.

(a) CIRCUIT COURTS.—Section 48 of title 28, United States Code, is amended by adding at the end the following:

"(e) Each court of appeals may hold special sessions at any place within the United States outside the circuit as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court of appeals (or, if the chief judge is unavailable, the most senior available active judge of the court of appeals) or the judicial council of the circuit that, because of emergency conditions, no location within the circuit is reasonably available where such special sessions could be held. The court may transact any business at a special session outside the circuit which it might transact at a regular session.

"(f) If a court of appeals issues an order exercising its authority under subsection (e), the court—

"(1) through the Administrative Office of the United States Courts, shall—

"(A) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

"(B) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

"(i) the reasons for the issuance of such order;

"(ii) the duration of such order;

"(iii) the impact of such order on litigants; and

"(iv) the costs to the judiciary resulting from such order; and

"(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order."

(b) DISTRICT COURTS.—Section 141 of title 28, United States Code, is amended—

(1) by inserting "(a)(1)" before "Special";

(2) by inserting “(2)” before “Any”; and  
 (3) by adding at the end the following:

“(b)(1) Special sessions of the district court may be held at such places within the United States outside the district as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the district court) or the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where such special sessions could be held.

“(2) Pursuant to this subsection, any business which may be transacted at a regular session of a district court may be transacted at a special session conducted outside the district, except that a criminal trial may not be conducted at a special session outside the State in which the crime has been committed unless the defendant consents to such a criminal trial.

“(3) Notwithstanding any other provision of law, in any case in which special sessions are conducted pursuant to this section, the district court may summon jurors—

“(A) in civil proceedings, from any part of the district in which the court ordinarily conducts business or the district in which it is holding a special session; and

“(B) in criminal trials, from any part of the district in which the crime has been committed and, if the defendant so consents, from any district in which the court is conducting business pursuant to this section.

“(4) If a district court issues an order exercising its authority under paragraph (1), the court—

“(A) through the Administrative Office of the United States Courts, shall—

“(i) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

“(ii) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

“(I) the reasons for the issuance of such order;

“(II) the duration of such order;

“(III) the impact of such order on litigants; and

“(IV) the costs to the judiciary resulting from such order; and

“(B) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.”.

(c) BANKRUPTCY COURTS.—Section 152(c) of title 28, United States Code, is amended—

(1) by inserting “(1)” after “(c)”;

(2) by adding at the end the following:

“(2)(A) Bankruptcy judges may hold court at such places within the United States outside the judicial district as the nature of the business of the court may require, and upon such notice as the court orders, upon a finding by either the chief judge of the bankruptcy court (or, if the chief judge is unavailable, the most senior available bankruptcy judge) or by the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where the bankruptcy judges could hold court.

“(B) Bankruptcy judges may transact any business at special sessions of court held outside the district pursuant to this paragraph that might be transacted at a regular session.

“(C) If a bankruptcy court issues an order exercising its authority under subparagraph (A), the court—

“(i) through the Administrative Office of the United States Courts, shall—

“(I) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

“(II) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

“(aa) the reasons for the issuance of such order;

“(bb) the duration of such order;

“(cc) the impact of such order on litigants; and

“(dd) the costs to the judiciary resulting from such order; and

“(ii) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.”.

(d) UNITED STATES MAGISTRATE JUDGES.—Section 636 of title 28, United States Code, is amended in subsection (a) by striking “territorial jurisdiction prescribed by his appointment—” and inserting “district in which sessions are held by the court that appointed the magistrate judge, at other places where that court may function, and elsewhere as authorized by law—”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3650.

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

There was no objection.

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

Mr. Speaker, every Member of this body is aware of the scope of the tragedy and destruction that Hurricane Katrina inflicted on the gulf coast region, and Congress has already taken several steps to bring relief to the affected States and their people. In addition to the thousands of private residences and businesses destroyed or rendered uninhabitable by the hurricane and subsequent floods, many entities of the Federal Government located in that region may not be able to operate for a time period that remains uncertain.

The creation and maintenance of a court system that allows citizens to adjudicate disputes is a fundamental responsibility of government. The purpose of H.R. 3650 is to authorize Federal courts to conduct business outside of their statutorily defined geographic domains during times of emergency. It is critical that Congress enact the legislation expeditiously so that the affected courts in Louisiana, Mississippi, and Alabama may continue to function in the wake of Hurricane Katrina.

The text of H.R. 3650 is substantially similar to section 15 of H.R. 1751, the Secure Access to Justice and Court Restoration Act of 2005, which the Subcommittee on Crime, Terrorism, and Homeland Security reported to the full Committee on the Judiciary on June 30.

Mr. Speaker, the need for this legislation became tragically apparent following the terrorist attacks of September 11, 2001, and the impact of these disasters on court operations, particularly in New York City. In emergency conditions, a Federal court facility in an adjoining district or circuit might more readily and safely be available to court personnel, litigants, jurors, and the public than a facility at the place of holding court within the district. This is especially true in major metropolitan areas such as New York, Washington, D.C., Dallas, and Kansas City, where the metropolitan area includes parts of more than one judicial district.

This legislation is also needed to address natural disasters. The recent impact of Hurricane Katrina on the Federal courts in Louisiana, Mississippi, and Alabama has increased the urgency of congressional action. Where court operations cannot be transferred to other divisions within the affected judicial district due to widespread flooding and destruction, judges must be empowered to shift court proceedings temporarily into a neighboring judicial district.

The advent of electronic court record systems will facilitate the implementation of this authority by providing judges, court staff, and attorneys with remote access to case documents. The bill authorizes circuit, district, and bankruptcy courts that conduct special sessions outside of their respective geographic boundaries upon a finding that because of emergency conditions, no locations within the boundaries of those courts are reasonably available where such special sessions could be held.

The Administrative Office of the U.S. Courts, or AO, is required to notify the House and Senate Committees on the Judiciary, as well as the Marshals Service when a court issues an order to conduct an emergency session. The AO must also follow up no later than 180 days after such an order expires by submitting a brief report to both committees summarizing why the order was issued, its duration, its impact on litigants, and its cost to the judiciary.

The bill specifies that criminal trials may not be conducted outside the State in which a crime has been committed unless a defendant otherwise consents. This is consistent with the provisions of article III of the Constitution and the sixth amendment. With this one exception, a Federal court is empowered to conduct all business in a special session outside a district that it might otherwise conduct during a regular session.

Given these constitutional constraints, however, jurors in criminal

trials may only be summoned from "any part of the district in which the crime has been committed," unless a defendant agrees to be tried by jurors from the district in which the court is holding a special session.

Finally, United States magistrate judges are currently subject to certain territorial limitations on their powers imposed by the Federal Magistrates Act. The bill clarifies that magistrate judges can also participate in the emergency extraterritorial sessions of the district courts.

Mr. Speaker, I urge my colleagues to support this bipartisan legislation to return a measure of continuity to the victims of Hurricane Katrina and the Federal Court system that serves them.

Mr. Speaker, I submit for the RECORD a letter from the Justice Department in support of this legislation.

DEPARTMENT OF JUSTICE, OFFICE OF  
LEGISLATIVE AFFAIRS, OFFICE OF  
THE ASSISTANT ATTORNEY GEN-  
ERAL

Washington, DC, September 7, 2005.

Hon. F. JAMES SENSENBRENNER,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the views of the Department on H.R. 3650, "The Federal Emergency Special Sessions Act of 2005." We support swift enactment of this legislation.

This bill is drawn from other legislation currently being considered in the Congress that will permit Federal courts to conduct business in other locations in the event of an emergency situation. The need for this bill has been clearly demonstrated by the recent catastrophe caused by Hurricane Katrina, which has already caused extreme disruption to the courts. Passing this bill on an emergency basis will permit the Federal Courts to return to the Nation's critical business more quickly and more easily.

The Department already has commented on similar provisions in prior legislation and some of our prior comments have been addressed in this bill. In future legislation, we will continue to seek refinement of the law in this area, particularly as it relates to the critical need for consultation and coordination between the Judiciary and the Marshals Service in the event of any serious emergency.

Thank you for the opportunity to express our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

WILLIAM E. MOSCHELLA,  
Assistant Attorney General.

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

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

I, too, Mr. Speaker, join the chairman of the Committee on the Judiciary in rising in support of this legislation. One of the many effects of the terrible tragedy resulting from Hurricane Katrina, one of the worst in our history, is the problem that the Federal courthouses in the region are flooded, preventing countless civil and criminal cases from proceeding. This legislation would permit the circuit courts, the district courts, magistrates, and the

bankruptcy courts to all conduct proceedings outside their normal jurisdictions in times of emergency. These courts are, in many instances, closed as we meet today in Washington.

Terrorist attacks and natural disasters can render unusable the Federal courthouses. Along with the tragic humanitarian results of such events, the administration of justice would come to a halt, preventing citizens from exercising their rights in court. In such circumstances, the chief judge of the court or judicial council of the circuit court could order the court proceedings to be conducted at any other place within the United States.

Upon such an order, the Administrative Office of the United States Courts would notify Congress of the reasons. Also, within 180 days of the termination of the special session, the Administrative Office would notify us of the order's duration, its impact on litigants, and the cost to the judiciary.

This bill, H.R. 3650, further provides that jurors for civil cases may come from either the original or the temporary jurisdiction of the court. With respect to criminal cases, the legislation preserves the sixth amendment rights of defendants by limiting the jury pool to the district where the crime is committed, unless the defendant consents otherwise.

There is an issue not addressed in the bill, and that is who would pay for the parties, including criminal defendants, to travel to the new location. Presumably, because a public function is at issue, the government should pay such expenses. It would be untenable for the courts and prosecutors to travel at government expense while defendants are left to fend for themselves in times of disaster. I am hoping that this can be corrected. There may be due process and sixth amendment violations if we force defendants to pay their own way to a distant courthouse. I hope to work with my colleagues in the House and Senate and the chairman of our committee in the House in the coming weeks to ensure that this oversight is properly resolved.

Finally, Mr. Speaker, I strongly believe that we in the Congress must do more, much more, to alleviate the effects of Hurricane Katrina. Thousands of people may be forced to seek bankruptcy protection, but now will be subjected to the onerous and creditor friendly provisions of the newly enacted bankruptcy law, including its means test, which goes into effect on October 17. Victims of disasters and other tragedies, I think, ought be exempt from such rigid requirements.

We have also heard countless reports of price gouging at gas stations. Big oil says the pipelines and refineries are down, thus limiting supply and increasing prices, but somehow they still continue to reap record profits. Along with a number of my colleagues, I have called upon the Federal Trade Commission to investigate this profiteering.

Mr. Speaker, H.R. 3650, the Federal Judiciary Emergency Special Sessions

Act of 2005, deserves the support of every Member in this body.

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

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

Mr. Speaker, I think that the gentleman from Michigan (Mr. CONYERS) makes a good point relative to the reimbursement of travel and subsistence expenses of parties, particularly those who may be indigent, and I think that we ought to look at this issue as time progresses, basically in seeing how far away criminal trials have to be moved away from New Orleans and the other places on the gulf coast where the courts are either impaired or not able to function in their chosen venues.

However, I would point out that the Office of General Counsel For the Administrative Office of the Courts advises that jurors may obtain reimbursement for mileage, subsistence, and lodging expenses under this bill just as they may under normal circumstances. Similarly, there is the payment of travel and subsistence expenses for witnesses who will be available during the emergency special sessions under the bill.

As far as the parties are concerned, particularly the indigent ones, I can give the gentleman from Michigan my assurance that we all will continue to work with the Administrative Office of the United States Courts, the appropriators, and the Senate on this point. I think the thing that we have got to do now is to get this bill enacted into law as quickly as possible so that the courts can be up and running to do their business even though their current facilities may still be under water.

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

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), the chair of the Subcommittee on Courts, the Internet, and Intellectual Property.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin, the chairman of the Committee on the Judiciary, for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 3650, the Federal Judiciary Emergency Special Sessions Act of 2005. H.R. 3650 authorizes Federal courts to conduct business outside of their geographic jurisdictions during times of emergency. Congress must enact this legislation immediately so that the affected courts in the gulf region can continue to operate in the wake of Hurricane Katrina.

Hurricane Katrina has severely damaged, perhaps ravaged is a better word, Federal courthouses in Louisiana, Alabama, and Mississippi. We must act with a sense of urgency. To illustrate why, consider the Eastern Judicial District of Louisiana, where operations are currently suspended.

There is virtually no Federal district court presence there. Judges and court staff are physically scattered throughout Louisiana and other States. But crime in the district, assault, rape, and robbery, has not taken the week off. Yet there is no court that can act and no judge to preside. Criminal defendants will walk if deadlines established in the Speedy Trial Act cannot be met. In other words, we must restore the rule of law in the Eastern District of Louisiana as well as elsewhere.

□ 1645

The bill contemplates that affected courts could use other facilities that are convenient and practicable to participants under the circumstances. The special circumstances allowing courts to operate outside their normal jurisdictions would continue only until the vacated courthouses could be restored for normal business activities.

We need to enact H.R. 3650 as part of the initial effort to help the displaced citizens of the region get back on their feet.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 3650, as we are all aware, much if not all of the Gulf Coast region has been flooded by the devastating forces of Hurricane Katrina. I personally spent 4 days in shelters in and around the Houston area, so I have first hand knowledge of the devastation this natural disaster has caused as well as what the evacuees are going through. In addition to the many problems that have resulted from the aftermath of this hurricane, many of the Federal courthouses in the region are flooded; thus, preventing countless civil and criminal cases from proceeding. Furthermore, many attorneys and court employees have been displaced, not only from their homes, but also from their jobs. H.R. 3650 would permit the circuit courts, district courts, magistrates, and bankruptcy courts to conduct proceedings outside their normal territorial jurisdictions in times of emergency.

The bill further provides that jurors for civil cases may come from either the original or temporary jurisdiction of the court. With respect to criminal cases, the legislation preserves the Sixth Amendment rights of defendants by limiting the jury pool to the district where the crime is committed unless the defendant consents otherwise. While these are issues are important, the bill fails to address who would pay for the parties to the case to travel to the new location. Presumably because a public function is at issue, the government should pay such expenses. It would be untenable for the courts and prosecutors to travel at government expense while defendants are left to fend for themselves in times of disaster. There may be due process and Sixth Amendment violations if we force defendants to pay their own way to distant courthouses.

In spite of my support for this bill, I hope the concerns I just mentioned can be worked out in the coming weeks as this bill moves forward. In closing, I strongly believe we must do much more to alleviate the effects of Hurricane Katrina. Thousands of people may be forced to seek bankruptcy protection but now will be subject to the onerous and creditor-friendly provisions of the newly-enacted bankruptcy law, including its means test. Victims of

disasters and other tragedies should be exempt from such rigid requirements.

I urge my colleagues to support this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3650.

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. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

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

#### PELL GRANT HURRICANE AND DISASTER RELIEF ACT

Mr. KELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3169) to provide the Secretary of Education with waiver authority for students who are eligible for Pell grants who are adversely affected by a natural disaster, as amended.

The Clerk read as follows:

H.R. 3169

*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 "Pell Grant Hurricane and Disaster Relief Act".

##### SEC. 2. WAIVERS OF FEDERAL PELL GRANT REPAYMENT BY STUDENTS AFFECTED BY DISASTERS.

Section 484B(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1091b(b)(2)) is amended by adding at the end the following new subparagraph:

"(D) WAIVERS OF FEDERAL PELL GRANT REPAYMENT BY STUDENTS AFFECTED BY DISASTERS.—The Secretary may waive the amounts that students are required to return under this section with respect to Federal Pell Grants if the withdrawals on which the returns are based are withdrawals by students—

"(i) who were residing in, employed in, or attending an institution of higher education that is located in an area in which the President has declared that a major disaster exists, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

"(ii) whose attendance was interrupted because of the impact of the disaster on the student or the institution; and

"(iii) whose withdrawal ended within the academic year during which the designation occurred or during the next succeeding academic year."

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

The Chair recognizes the gentleman from Florida (Mr. KELLER).

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3169.

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

There was no objection.

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

Mr. Speaker, earlier this year I introduced the Pell Grant Hurricane and Natural Disaster Relief Act.

Last week Hurricane Katrina struck Florida, Alabama, Mississippi, and Louisiana. While the damage from this storm is particularly tragic, the hurricane's devastation was a familiar sight. Last year, four hurricanes ravaged Florida over a 40-day period. Many students lost their homes, their jobs, and they were forced to withdraw from school.

In addition to all the suffering they underwent, Pell grant recipients who withdrew from classes were forced to repay any Pell grant funds they used to pay for school expenses beyond fees and tuition, or else were barred from enrolling in future classes.

I believe that our neediest students, who would not have access to college without Pell grants, should not be further punished after enduring a natural disaster.

After writing a letter to the Secretary of Education to ask for relief for these students, I discovered that students who are victims of natural disasters can receive similar help with regard to student loans, but the only way to help Pell grant recipients is by passing this legislation.

My bill would allow the Secretary, in her discretion, to provide a waiver for repaying Pell grants for students who were forced to withdraw from classes due to a natural disaster as declared by the President of the United States.

Language from this bill was incorporated into the higher education bill passed by the Committee on Education and the Workforce earlier this year with unanimous, bipartisan support.

I urge my colleagues to vote "yes" on H.R. 3169.

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

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

Mr. Speaker, I am pleased to support H.R. 3169, the Pell Grant Hurricane and Disaster Relief Act recognizing the state of emergency that the country is in in the aftermath of Hurricane Katrina. Hundreds of thousands of people have been left homeless with hundreds, maybe even thousands, dead.

Nearly 100,000 college students have been displaced in some 30 colleges in the gulf coast region that have been severely damaged by the hurricane. In addition, countless more student borrowers have been left without jobs, without any income, and yet must