

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

repay their college loans. I support this legislation because it is the right thing to do, and I want to thank the gentleman from Florida for introducing this legislation and responding in this manner so quickly.

It authorizes, as the gentleman said, the Secretary of Education to waive the requirement for students to repay their Pell grants if they withdraw from college due to a disaster. The Secretary can use this authority to ensure that the Pell grant recipients affected by Hurricane Katrina are not punished financially as a result of this national emergency.

While this is a necessary and appropriate step, we also must recognize that Congress should be doing more to provide relief for these 100,000 students. I say that not as a point in contention. I say that as part of the dialogue that we have been having between the two sides of the aisle on this committee as we start to assess the situation that these students find themselves in. There is great urgency to this bill for these Pell grant recipients so they can quickly calculate the situation that they are going to be in and the question of how they continue their education in another location.

But I would hope that we would go further quickly, because this only deals with the recipients of Pell grants, and yet we know that we have hundreds of thousands of students that have student loans and student campus-based loans available to them, all of which have been thrown into question.

Today, the gentleman from Michigan (Mr. KILDEE) and I will introduce the Katrina College Relief Act to provide expansive relief for college students, their families and student borrowers affected by the hurricane. In addition to H.R. 3169, the Katrina College Relief Act would allow affected student borrowers to defer their loans for 6 months so they do not have to make payments and are not charged interest on those loans.

Under current law, student borrowers affected by the disaster may apply for a 3-month forbearance on their college loans. However, loans in forbearance continue to accrue interest, which raises the overall cost of the loan. We should not be forcing students who have been ravaged by Hurricane Katrina to pay more for their college loans.

The Katrina College Relief Act would also allow students and families affected by the hurricane to have their student aid award immediately readjusted to better reflect their financial situation. This is important to tens of thousands of these students, because currently many of these students and their families no longer have the necessary resources to pay for college even after their current Federal student aid is taken into account.

Congress should direct the Secretary of Education to immediately readjust how much these families are expected to pay toward college for their current term and for the next academic year.

We must do everything we can to ensure that 100,000 college students affected by Hurricane Katrina are able to continue their education immediately. While the initial efforts of college alumni and donors to help relocate displaced students should be commended, we must do more. It is not enough to support a bill that says that we care or accept the status quo. We should support efforts to help all of the students affected by the hurricane, not just those who receive the Pell grants.

Mr. Speaker, I would hope that we would be able to pass this legislation in a very timely fashion, and I would hope the Senate would give its immediate consideration. Then I would also hope that we would move forward to see what we can do to financially alleviate the burdens that this hurricane has placed on the students and on their families; and that we can in a timely fashion, and I understand that the colleges support the effort, recalculate the financial contributions that these families will be able to make. Given the fact that many of the families and students have been devastated in terms of the loss of their homes, their jobs, their places of business, and students who were working have lost their jobs in these areas, the jobs may or may not be available to them.

These students are now having to quickly decide whether or not they can continue their education at an alternative location, in many instances far away from their home, or where their home used to be, and we have to do everything we can so they will be able to resolve that decision in favor of continuing their education, not losing a semester, not losing a year, and certainly not having the cost of their education increased to them by virtue of the fact that they are the victims of this largest national disaster to befall our country.

Mr. Speaker, I want to thank the gentleman again for addressing this problem in this very, very timely fashion. I hope that we can work together for these other students who are not the recipients of Pell grants.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE), the ranking member on the Subcommittee on 21st Century Competitiveness.

Mr. KILDEE. Mr. Speaker, I rise today to urge this body to offer real relief to college students impacted by the disastrous Hurricane Katrina. Well over 100,000 students at over 30 major institutions and others have been directly impacted by this terrible tragedy, with countless more feeling the aftershocks of the disaster.

I support the bill offered by the gentleman from Florida (Mr. KELLER) to offer relief to Pell grant recipients affected by natural disasters and thank him for this introduction. But this bill is not enough; as we all realize, not

only Pell grant recipients were affected by this tragedy.

Thousands of affected students and graduates will be unable to make payments on their Stafford or Perkins loans. Currently, students in repayment who are suffering from economic hardship can go through a lengthy process to defer the accumulation of interest and repayment on their loans. Also they can apply and receive a temporary forbearance on their loans, allowing them to defer payments, but continue the accumulation of interest. We need to cut the red tape by allowing any student impacted by a natural disaster to receive an automatic deferment of both the accumulation of interest and the payments. Graduates already struggling to dig themselves out of the student loan debt, an average of \$17,500, must not be penalized because of this terrible tragedy.

Enrolled students who are currently receiving Federal aid had their financial aid packages calculated based on the Expected Family Contributions, the so-called EFC, which includes parent contributions and contributions of working students. With millions unemployed, including the one in five undergraduates who were working more than 30 hours a week to support themselves, the calculated Expected Family Contribution is no longer realistic.

The Miller-Kildee bill allows those students to have their EFC student aid packages readjusted to reflect the financial changes that family may have suffered. Affected families have limited resources to aid their recovery. The little they have needs to go toward rebuilding their homes and lives. But this should not mean that their children should have to drop out of school. We really need an adjustment in the Expected Family Contributions.

Mr. Speaker, I am pleased that the majority leadership has decided to take up the issue of college students impacted by this tragedy and am pleased with the work of the gentleman from Florida (Mr. KELLER). Yet comprehensive relief is necessary for all students with financial hardship.

Mr. Speaker, I hope Congress will soon consider a more comprehensive package. An extraordinary catastrophe demands an extraordinary solution. Congress must do more.

Mr. KELLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I rise in strong support of this bill to provide assistance to the victims of Hurricane Katrina whose higher education aspirations have been disrupted as a result of the tragic events of the last 10 days. This bill represents a first small step in our efforts in the weeks and months to come that we hope will make a critical difference for students and families as they work to rebuild their homes and their lives, and hopefully are able to return to higher education.

I want to thank the gentleman from Florida (Mr. KELLER) for developing this bill and for recognizing the forgotten struggles of students forced to withdraw from college as a result of a natural disaster.

The premise behind this bill is very simple. It says that if a student is forced to withdraw from higher education because of a natural disaster, that student will not have to repay their Pell grant that has already been awarded and perhaps already spent. The gentleman from Florida (Mr. KELLER) has been developing this legislation for months, in large part because of what he saw in last year's hurricane in Florida and how it impacted his constituents enrolled in higher education and those that had Pell grants.

The Higher Education Act already allows waiver authority for the Secretary of Education to exercise in case of a natural disaster declared by the President. However, that authority exists for student loans and not for Pell grants, a discrepancy that can have a significant impact on disadvantaged college students.

Pell grants serve some of the most disadvantaged students enrolled in higher education. In fiscal year 1999, an estimated nearly 45 percent of dependent Pell grant recipients had total parental income of below \$20,000, and more than 90 percent had total income of less than \$40,000.

Pell grants are a need-based aid that students do not have to pay back. However, when students withdraw from higher education, they may have to return a portion of their Pell grant aid.

□ 1700

Unfortunately, in the case of a natural disaster, there is no mechanism for the Secretary to waive that requirement, which may force students who have already lost their homes and communities to actually pay back the Pell grant funds that they had been awarded.

I am pleased that my committee included this provision in a comprehensive Higher Education Act reform package approved in July. Today, however, we have an opportunity to act quickly to ensure that students in the gulf coast region get the relief they need and they get it soon. This proposal was adopted with bipartisan support in the committee, by a voice vote, during subcommittee markup of our higher education reform package; and I expect similar support today as my colleagues on both sides of the aisle join together to provide relief to college students impacted by this unprecedented natural disaster.

Once again, I want to thank the gentleman from Florida (Mr. KELLER), the bill's sponsor, and urge my colleagues to join me in support of the bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the ranking member from California for yielding me this time.

I rise in support of this legislation, and I want to commend the gentleman from Florida (Mr. KELLER) for his introduction of it.

I think all of us recognize the importance of formal education, higher education, training; and that if individuals for whatever the reason are not able to avail themselves of these opportunities, then obviously life for them will be far more difficult.

I think it is also important, though, that we go beyond just the individuals who are recipients of the Pell grant, and I support strongly the legislation that I understand is being introduced later on today by the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) that would allow us to provide for the recalculation to take another look at how we assess family income to try to make sure that we maximize the potential of each and every individual in our country to have the greatest possibility of receiving formal education that goes beyond the primary and secondary levels.

So there are many ways to respond to the impact of Katrina, and I think many people are doing so in many places throughout the country, everybody using what it is that they have got to give.

Again, I commend the gentleman from Florida (Mr. KELLER) for his insight, for his intuition, for his introduction of this bill, and would urge that we support it and also urge support for the Miller-Kildee legislation that I understand is being introduced later on today.

Mr. KELLER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of the Pell Grant Hurricane and Disaster Relief Act.

Hurricane Katrina created a disaster of monumental proportions. First and foremost, our priority should remain saving of lives and delivering aid immediately to those most in need. As long as this crisis continues, we should tap every available resource of the Federal Government to make sure that we are providing relief in every corner of the disaster zone. This relief extends to young Americans who work so very hard and, with the help of Federal assistance, were able to realize their dream of attending college.

This crucial legislation would allow the Secretary to grant waivers to students who were forced from school by a natural disaster such as Katrina. This would waive the requirement for them to pay back Federal Pell grant aid when they withdraw from school. It is hard enough for them to get into college without this disaster throwing up yet another barrier to achieving the dream of a college education.

I commend the gentleman from Florida (Mr. KELLER) for introducing this legislation, and I thank the leadership for calling this legislation to the floor so quickly. And I also thank my colleagues on the Committee on Education and the Workforce for supporting this measure when we considered the Higher Education Act in July.

Mr. Speaker, this is a good bill in a difficult hour. I strongly encourage my colleagues to vote for it.

I also would like to say a word about the bill that the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) are introducing today. It is every bit as important that we pass that bill in a timely fashion as it is that we pass the gentleman from Florida's (Mr. KELLER) bill. It is particularly important that we allow families to adjust their expected family contribution.

One of the problems with the financial aid system is that the information that is used to determine eligibility is often a year behind reality. That system works when reality does not change that much from year to year; but when it changes as dramatically as it has for so many people affected by this tragedy, it would place students in a thoroughly disadvantageous position if they were unable to change their financial contribution. So I urge speedy consideration and passage of that bill as well as of the gentleman from Florida's (Mr. KELLER) bill.

Mr. KELLER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me this time.

I simply want to join in the chorus in support for this bill. It is difficult for us to recognize how far reaching the implications and consequences of Hurricane Katrina have been. And I know, for example, when I mentioned to another individual today that we would be dealing with the Pell grant in the context of the hurricane, this Member did not see any connection whatsoever until I pointed out the consequences.

I am very pleased that we are taking such rapid action in this Chamber to deal with the wide-reaching consequences of the hurricane and recognize that there are so many dimensions of our citizens' lives that have been affected by this. I am pleased at this rapid action. I am grateful that this bill is presented to us. I will certainly support it and vote for it, and I hope the other body will give equal consideration and rapid consideration so that we may service our students.

Let us also remember to continue in prayer for all the victims who have been affected in their lives in so many different ways, and let us continue to work together to ensure that very rapidly we can deal with restoring the Southern States to their positions, their economic position, and, above all, the positions of the families who live there so that they may return to their homes.

