Therefore, Mr. Speaker, I encourage my colleagues to support the Procedural Fairness for September 11 Victims Act of 2007. Once again, I want to thank the Judiciary Committee for reporting this measure to the floor so promptly, and I thank the leadership for moving it.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume. I just conclude with some of the time that I yield to myself, and I will do so briefly. Sometimes we put a lot of words into our dialogue here, and I just wanted to put it into the simple words.

This bill says a subpoena may be served at any place in the United States with regard to this Act. Very simple. It's something that I do believe provides a better opportunity for justice and equity for those who are involved in a cause of action on this 9/11 victims compensation, and so I urge adoption of this bill.

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

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

Mr. Speaker, the complicated debate over this bill is not so complicated. It's a very simple bill, as you heard. There's unanimous agreement on it. It ought to pass. I thank the leadership. I thank the leadership and the minority leadership on the Judiciary Committee for expediting the bill to where it is now. I urge my colleagues to support this legislation.

S. 2106

Mr. HALL of New York. I am very pleased that today the House passed S. 2106, the Procedural Fairness for September 11 Victims Act. This bill is the Senate companion to an important piece of legislation I sponsored along with my good friend Representative TIM BISHOP of Long Island.

To start off I'd like to thank Mr. BISHOP for introducing this important bill in the House, and Mr. BIDEN for introducing it in the Senate. This is a simple bill, but a vital one to the people who it will affect, and I applaud both gentlemen for calling it to my attention, and that of the Congress as a whole.

Shortly after the 9/11 attacks, Congress passed legislation to the effect that those victims and families of victims seeking legal redress as a result of the events of 9/11 may do so only in the federal court in the Southern District of New York. However, under the Federal /Rules of Civil Procedure, parties can only issue subpoenas for testimony and documents located within 100 miles of the District. This means that a significant percentage of evidence that might be relevant to the case is unobtainable to the participants only because it is not located within the New York City metropolitan area.

When Congress mandated that only one specific court could hear lawsuits from those people who opted out of the 9/11 Compensation Fund, no one foresaw that the decision would prove to be a barrier for those people who seek evidence from outside the jurisdiction of this court. But there is no alternative as to where they can bring suit.

I am proud to support this bill because it fixes this unintended flaw by providing nationwide subpoena power to all the parties involved in litigating 9/11 claims. The 9/11 attacks were an attack on the whole country. It was a tragedy that greatly affected us all. There's no reason why victims should be prevented from obtaining possibly vital evidence, just because it happens to be outside the jurisdiction's direct subpoena power.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 2106, the Senate companion to H.R. 3921, the ''Procedural Fairness for September 11th Victims Act of 2007.'' This legislation amends the Air Transportation Safety and System Stabilization Act to allow those September 11th victims and their families who opted out of receiving compensation through the September 11th Victims Compensation Fund to have nation-wide subpoena power when litigating September 11th claims. It is necessary to make this change because presently all parties involved in litigating September 11th claims—victims, victims' families and defendants—must do so in the U.S. District Court for the Southern District of New York. The problem occurs because under the Federal Rules of Civil Procedure, no party may compel testimony or documents from non-party witnesses who do not live within 100 miles of the Southern District of New York. This bill would provide for nation-wide subpoena power for all parties. The court however, would retain its authority to modify or quash any subpoena that it determined to be too burdensome.

Mr. Speaker, within 11 days of the September 11th attacks, Congress drafted, debated, adopted and signed into law the Air Transportation Safety and Systems Stabilization Act (ATSSSA), 49 U.S.C. Section 40101. Among other things, this legislation included assistance to the airline industry and created an optional alternative compensation program for individual victims killed or injured by the events of September 11th (the September 11th Compensation Fund). The United States District Court for the Southern District of New York was designated as the only court with ''original and exclusive jurisdiction over all actions brought'' arising out of the attacks of September 11th. The objective was to consolidate all litigation arising out of September 11th events in one location before a single court that could adjudicate all the claims in a thorough, efficient, equitable and fair proceeding.

Given the justifiable interest of Congress in expediting assistance to the airline industry and creating a mechanism to provide compensation to the persons who bore the brunt of the national trauma occurring on September 11th, it is understandable that the Congress did not give due regard to Federal Rule of Civil Procedure 45, which provides for service of trial subpoena to non-party witnesses in the district or State where the case was filed or anyplace within 100 miles of the district that the court proceedings will take place (the ''100 mile bulge'').

The upshot, Mr. Speaker, is that in the absence of this minor change, subpoenas would be limited to within 100 miles of the Southern District of New York (within 100 miles of Manhattan) and could not reach the geographically significant and relevant locales of Boston, Massachusetts (from where flights American Airlines 11 and United Airlines 175 originated) and Washington Dulles Airport (from where American Airlines flight 77 originated).

Pending before the District Court for the Southern District of New York is the consolidated action, In re September 11 Litigation, in which representatives of a number of passengers and ground victims (including claims brought by those who came to the World Trade Center disaster site to assist with the debris removal effort following the attacks), as well as an array of parties suing for property damage and consequential economic loss are seeking recovery from a group of defendants including airline companies, airport security firms, airport authorities, the Boeing Corporation and others.

This litigation focuses not only on the events that occurred at the Twin Towers in Manhattan but also hundreds of miles away at Washington's Dulles Airport, Boston's Logan Airport and various other locations around the Nation, including the headquarters for each of the various airlines and security companies. It has become clear that in order for the September 11th victims, their families, and the defendants to have access to all the evidence relevant to the case, it is necessary to make available at trial non-party witnesses from Massachusetts, Virginia, and elsewhere. The legislation before us accomplishes this limited objective.

H.R. 3921 is non-controversial, bipartisan and bicameral. There has been no opposition to the bill from any interested sectors. the legislation is identical to S. 2106, which was introduced by Senator BIDEN of Delaware on September 27, 2007 and passed by unanimous consent in the Judiciary Committee and the full Senate the following day. That bill was referred to the House Judiciary Committee as the sole referral. Mr. Speaker, for the reasons stated, I strongly support H.R. 3921 and urge my colleagues to join me in voting for this wise and beneficial legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the Senate bill, S. 2106.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1445

THIRD HIGHER EDUCATION EXTENSION ACT OF 2007

Mr. YARMUTH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2258) to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2258

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 ''Third Higher Education Extension Act of 2007''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20

U.S.C. 1001 note) is amended by striking ''October 31, 2007'' and inserting ''March 31, 2008''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

SEC. 4. DEFINITION OF ELIGIBLE NOT-FOR-PROFIT HOLDER.

Section 435(p) of the Higher Education Act of 1965 (20 U.S.C. 1085(p)) is amended —

(1) in paragraph (1), by striking subparagraph (D) and inserting the following:

''(D) acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d).''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking subclause (II) and inserting the following:

''(II) is acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity, on the date of enactment of the College Cost Reduction and Access Act, was the sole beneficial owner of a loan eligible for any special allowance payment under section 438.'';

(B) in subparagraph (A)(ii), by inserting ''of'' after ''waive the requirements'';

(C) by amending subparagraph (B) to read as follows:

''(B) NO FOR-PROFIT OWNERSHIP OR CONTROL.—

''(i) IN GENERAL.—No State, political subdivision, authority, agency, instrumentality, or other entity described in paragraph (1)(A), (B), or (C) shall be an eligible not-for-profit holder under this Act if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.

''(ii) TRUSTEES.—A trustee described in paragraph (1)(D) shall not be an eligible not-for-profit holder under this Act with respect to a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.'';

(D) by amending subparagraph (C) to read as follows:

''(C) SOLE OWNERSHIP OF LOANS AND INCOME.—No State, political subdivision, authority, agency, instrumentality, trustee, or other entity described in paragraph (1)(A), (B), (C), or (D) shall be an eligible not-for-profit holder under this Act with respect to any loan, or income from any loan, unless—

''(i) such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan; or

''(ii) such trustee holds the loan on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan.'';

(E) in subparagraph (D), by striking ''an entity described in described in paragraph (1)(A), (B), or (C)'' and inserting ''a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d),''; and

(F) by amending subparagraph (E) to read as follows:

''(E) RULE OF CONSTRUCTION.—For purposes of subparagraphs (A), (B), (C), and (D) of this paragraph, a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), shall not—

''(i) be deemed to be owned or controlled, in whole or in part, by a for-profit entity; or

''(ii) lose its status as the sole owner of a beneficial interest in a loan and the income from a loan,

by such State, political subdivision, authority, agency, instrumentality, or other entity, or by the trustee described in paragraph (1)(D), granting a security interest in, or otherwise pledging as collateral, such loan, or the income from such loan, to secure a debt obligation for which such State, political subdivision, authority, agency, instrumentality, or other entity is the issuer of the debt obligation.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to S. 2258 into the RECORD.

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

There was no objection.

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

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

Mr. YARMUTH. Mr. Speaker, I rise in support of S. 2258, a bill to extend programs under the Higher Education Extension Act of 1965.

In addition to extending the current programs under the Higher Education Act for 5 months until March 31, 2009, the bill also makes a necessary technical correction to the College Cost Reduction and Access Act with respect to nonprofit lenders. This language will ensure the designation of a nonprofit lender will go to those that Congress intended.

During this Congress we have made significant commitments to our Nation's students and families by putting resources in the hands of those most in need. H.R. 2669, as passed and signed by the President, does more to help Americans pay for college than any effort since the GI Bill at no new cost to taxpayers.

Specifically, the legislation provided a landmark investment of $20 million in additional funding for Pell Grants, reductions in the interest rate on student loans, and the creation of programs to help students manage debt, as well as encourage individuals to pursue public service.

Providing this critical funding is a large part of our efforts to increase access on affordability to higher education. The next step is to work on policies that further support access and affordability, such as campus-based aid, TRIO, GEAR-UP, teacher education and the other programs that make up the Higher Education Act.

Additionally, we realize that millions of Americans are deeply worried about whether they can afford to send their kids to college or how they will be able to pay the bills while also paying off substantial student loan debt. Looking at how the Federal Government can assist in addressing the rising cost of college will also be a key part of the reauthorization of the Higher Education Act.

I look forward to working with Chairman MILLER and the other members of the committee to complete work on the Higher Education Act.

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

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

Mr. Speaker, the House began this exercise last week granting a temporary extension of programs under the Higher Education Act. We did the same thing in July of this year and in June, and we did it a half dozen times before that. For the most part, these extensions have been clean, simply maintaining current law. Unfortunately, they are now becoming more complicated.

Earlier this year, Congress passed a package of student aid reforms cloaked in the guise of a budget reconciliation bill. Instead of moving through regular order, the new majority took a shortcut. That shortcut has cost us dearly. Budget reconciliation bills have strict limitations designed to prevent them from being abused as a tool to enact policy, rather than budgetary reform.

Judging by this year's bill, those rules are not strict enough. Nonetheless, the budget reconciliation process chosen by the majority prevented us from including fundamental reforms to the bulk of the Higher Education Act.

A few weeks ago, committee Republicans introduced H.R. 3746, the College Access and Opportunity Act of 2007.

This bill is an updated version of the reauthorization bill that passed the House last Congress. H.R. 3746 would strengthen the Pell Grant program, empower parents and students through ''sunshine'' and transparency and college costs and accreditation, improve college access programs and much more. Unfortunately, the House has yet to act on comprehensive reforms.

The budget bill enacted earlier this year was a missed opportunity of epic proportions. But worse than that, it was a classic example of how a secretive rushed legislative process can produce harmful unintended consequences.

In rushing to the floor with the reconciliation bill, Democrats made mistakes. Several provisions included in the reconciliation bill need to be fixed so that everyone is treated fairly under the law and the law can be implemented as Congress intended. Additionally, the Department of Education has already reached out to Congress to discuss one of the new grant programs, which they see as near to impossible to implement as written.

Had Congress had time to contemplate the impact of the provisions in the new programs, we may have been able to avoid all the confusion that now must be corrected. Today, in addition to extending these programs, we are being forced to fix mistakes made by the flawed budget reconciliation bill. Some of these mistakes can be corrected because the Department of Education has yet to act on them, despite the October 1 implementation date. Other legislative errors have already been implemented by the Department of Education, rendering a correction costly, if not impossible.

Already our hands are tied, and we are unable to fairly and fully correct the problems created through reconciliation. Rather than repeat this rushed process again, I hope that we will move forward with the Higher Education Act reauthorization in a bipartisan and thoughtful manner.

I look forward to working with Chairmen MILLER and HINOJOSA and Ranking Member KELLER, and all of my colleagues on the Education and Labor Committee, in completing our work in the coming months.

In the meantime, however, I urge my colleagues to join me in supporting this extension.

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

Mr. YARMUTH. Mr. Speaker, I will close by once again strongly encouraging my colleagues to support this important legislation, thanking the distinguished ranking member of the Education and Labor Committee.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and pass the Senate bill, S. 2258.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

REREFERRAL OF H.R. 2744, AIRLINE FLIGHT CREW TECHNICAL CORRECTIONS ACT

Mr. YARMUTH. Mr. Speaker, I ask unanimous consent that the Committees on Education and Labor, House Administration and Oversight and Government Reform be discharged from further consideration of the bill (H.R. 2744) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews, and that the bill be rereferred to the Committee on Education and Labor.

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

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 866

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 866, a bill originally introduced by Representative Norwood of Georgia, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

MAKING PERMANENT THE AUTHORITY TO ISSUE SPECIAL POSTAGE STAMP TO SUPPORT BREAST CANCER RESEARCH

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1236) to make permanent the authority of the United States Postal Service to issue a special postage stamp to support breast cancer research, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1236

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

SECTION 1. EXTENSION OF AUTHORITY.

Section 414(h) of title 39, United States Code, is amended by striking ''2007'' and inserting ''2011''.

SEC. 2. REPORTING REQUIREMENTS.

The National Institutes of Health and the Department of Defense shall each submit to Congress and the Government Accountability Office an annual report concerning the use of any amounts that it received under section 414(c) of title 39, United States Code, including a description of any significant advances or accomplishments, during the year covered by the report, that were funded, in whole or in part, with such amounts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

Mr. CLAY. Mr. Speaker, as a sponsor of H.R. 1236, the bill would make permanent the breast cancer research stamp, which first went on sale on July 29, 1998.

After several discussions with the Postal Service, I offered an amendment in the nature of a substitute to H.R. 1236 during the Subcommittee on Federal Workforce, Postal Service and the District of Columbia markup on September 18, 2007.

The amendment retained the Postal Service's flexibility by reauthorizing the breast cancer stamp for an additional 4 years and strengthens the bill's reporting requirements. The new reporting requirements would assess the breast cancer stamp's effectiveness and appropriateness and the cost to the Postal Service for administering the program to find a cure for breast cancer.

The amendment was agreed to by voice vote. H.R. 1236, as amended, was reported from the Oversight Committee on September 20, 2007, by a voice vote.

In America, breast cancer is reported as the second leading cause of cancer deaths among women after lung cancer. The American Cancer Society estimated 178,480 women will be diagnosed this year with invasive breast cancer. In the U.S., approximately 40,000 will die.

The Postal Service has sold over 785.6 million breast cancer research stamps from which $54.626 million have been transferred to the National Institutes of Health and DOD for breast cancer research and awareness.

I encourage my colleagues to support H.R. 1236 and urge the swift passage of this bill.

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

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

First of all, I want to commend my good friend, the gentleman from Missouri (Mr. CLAY), for his remarks and his work on this legislation.

I rise today to urge passage of H.R. 1236, to extend the authority of the U.S. Postal Service to issue a stamp to support breast cancer research.

Those of us in Congress received a tragic reminder of the need for continued research into this disease with the passing of our beloved colleague, Jo Ann Davis; and we thank the majority, in particular Mr. CLAY, for taking the opportunity to honor her memory.