I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I rise in support of the bill, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 553, as amended by the Senate. This bill was agreed to by voice vote in the House on February 3, 2009, and on September 27, 2010, the bill passed the Senate with an amendment by unanimous consent.

The 9/11 Commission concluded that security requirements nurtured over-classification and excessive compartmentalization of information among government agencies. This stovepiping, so-to-speak, interferes with accurate, accountable, and timely information sharing, not only among Federal agencies, but also with State and local law enforcement.

H.R. 553 focuses on reducing the over-classification of information at the Department of Homeland Security and enhances understanding of the classification system by State, local, tribal, and private-sector partners.

The bill directs the Secretary of Homeland Security, DHS, operating through the Under Secretary for Intelligence and Analysis, to identify and designate a classified information advisory officer. The advisory officer will assist State, local, tribal, and private-sector partners who have responsibility for the security of critical infrastructure in matters related to classified materials. Additionally, the office is charged with developing educational materials and training programs to assist these authorities in developing policies to respond to requests related to classified information.

The bill also requires the head of each Federal department or agency with classification authority to share intelligence products with interagency threat assessment and coordination groups and allows them in turn to recommend to the DHS Under Secretary For Intelligence and Analysis to disseminate that product to the appropriate State, local, or tribal entities. This will be critical in directing actionable intelligence into the hands of those who need it the most.

H.R. 553 also aims at strengthening the responsibilities of the Director of National Intelligence with respect to information sharing government-wide and reinforces the authority of DNI to have maximum access to all information within the intelligence community.

I urge my colleagues to support the bill. I congratulate Ms. HARMAN on this great bill that I wholeheartedly support, and I look forward to seeing it signed into law by the President, I hope very soon, just like Ms. HARMAN does.

I reserve the balance of my time.

Ms. HARMAN. I thank the gentleman for his remarks and am pleased that we have had this very polite and informative and bipartisan debate on the House floor.

Mr. Speaker, we have no more speakers. If the gentleman from Georgia has no more speakers, then I am prepared to close after he closes.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to congratulate Ms. HARMAN. She and I worked together. We both have a strong interest in having a strong intelligence community, and I think both of us will agree that our intelligence community needs some help. But we have seen this over-classification of documents that has gotten to be a tremendous problem.

Ms. HARMAN has brought forth this piece of legislation that is going to help simplify the process and help our Federal Government to share information with the State, local, and tribal entities, as well as the private sector, so that they can have this information that they desperately need to be able to ensure security.

As an original-intent Constitutionalist, I believe that the major function of the Federal Government should be national security, national defense. We in Congress I think have overlooked that duty in many regards. I applaud Ms. HARMAN, Mr. Speaker, for her diligence in the area of intelligence and national security, and I greatly applaud her for this much-needed bill.

Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

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

Mr. Speaker, in closing, police, firefighters and other first responders bravely put their lives on the line to protect us. They have proven their ability to unravel plots inside the U.S., like the Torrance, California, police department, which discovered a plot to attack military installations and religious sites in my district.

It is imperative that we give first responders and the public access to the threat information they need to find those among us who would seek to harm us. H.R. 553 ensures that. I urge its prompt passage, and I do hope that the President will sign it into law.

Mr. THOMPSON of Mississippi. Mr. Speaker, over-classification of homeland security information is a major barrier to Federal efforts at fostering greater information sharing within the Federal Government as well as with State, local, and tribal entities, and the private sector.

H.R. 553, the Reducing Over-Classification Act, introduced by Congresswoman JANE HARMAN, tackles this practice in a comprehensive fashion. To that end, H.R. 553 establishes a Classified Information Advisory Officer within DHS's Office of Intelligence and Analysis to develop and disseminate educational materials for State, local, and tribal authorities and the private sector on how to challenge classification designations and, at the same time, assist with the security clearance process.

This bill also tackles the practice of over-classification within the larger Intelligence Community (IC) by directing the Director of National Intelligence to: take new, proactive, steps to promote appropriate access of information by Federal, State, local, and tribal governments with a need to know; issue guidance to standardize, in appropriate cases, the formats for classified and unclassified products; establish policies and procedures requiring the increased use of so-called ''tear lines'' portion markings in intelligence products to foster broader distribution to State, local, and tribal law enforcement and others who need to access such information; and require annual training for each IC employee with the authority to classify material.

I am pleased that H.R. 553 also directs originators of intelligence products to share information that could likely benefit first preventers on the beat with the IC's in-house team of first preventer analysts—the ''ITACG'' or ''Interagency Threat Assessment and Coordination Group.''

The ITACG analysts have the boots-on-the-ground perspective on what information lends itself to cops on the beat. Through this new process, we will have a new mechanism to tackle the stovepiping of information within the IC that we know cops need to keep their communities secure.

Reducing the amount of unnecessary classification and increasing the amount of information shared throughout the public and private sectors will contribute to improving or ability to detect, deter, and prevent terrorist plots.

Nine years after the attacks of September 11th, we must stand together and reject—once and for all—the practice of over-classification, an outgrowth of the outdated ''need to know'' paradigm.

Finally, I would like to applaud the Chairwoman of my Committee's Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Subcommittee—Representative HARMAN. She has worked on this problem for many years and is a true champion for all the ''first preventers'' out there that have been kept from accessing intelligence information that they need to protect the public and should be commended for her steadfast efforts on this government-wide challenge.

I urge my colleagues to support this important homeland security bill so that we get it to the President's desk for his signature.

Ms. HARMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 553.

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

A motion to reconsider was laid on the table.

CHRISTOPHER BRYSKI STUDENT LOAN PROTECTION ACT

Mr. ADLER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5458) to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5458

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Christopher Bryski Student Loan Protection Act'' and ''Christopher's Law''.

(b) FINDINGS.—The Congress finds the following:

(1) There is no requirement for Federal or private educational lenders to provide information with respect to creating a durable power of attorney for financial decisionmaking in accordance with State law to be used in the event of the death, incapacitation, or disability of the borrower or such cosigner (if any).

(2) No requirement exists for private educational lenders' master promissory notes to include a clear and conspicuous description of the responsibilities of a borrower and cosigner in the event the borrower or cosigner becomes disabled, incapacitated, or dies.

(3) Of the 1,400,000 people who sustain a traumatic brain injury each year in the United States, 50,000 die; 235,000 are hospitalized; and 1,100,000 are treated and released from an emergency department.

(4) It is estimated that the annual incidence of spinal cord injury, not including those who die at the scene of an accident, is approximately 40 cases per 1,000,000 people in the United States or approximately 12,000 new cases each year. Since there have not been any overall incidence studies of spinal cord injuries in the United States since the 1970s, it is not known if incidence has changed in recent years.

(5) In the 2007–2008 academic year, 13 percent of students attending a 4-year public school, and 26.2 percent of students attending a 4-year private school, borrowed monies from private educational lenders.

(6) According to Sallie Mae, in 2009, the number of cosigned private education loans increased from 66 percent to 84 percent of all private education loans.

SEC. 2. ADDITIONAL STUDENT LOAN PROTECTIONS.

(a) IN GENERAL.—Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following new subsection:

''(f) ADDITIONAL PROTECTIONS RELATING TO DEATH OR DISABILITY OF BORROWER OR COSIGNER OF A PRIVATE EDUCATION LOAN.—

''(1) OBLIGATION TO DISCUSS DURABLE POWER OF ATTORNEYS.—In conjunction with—

''(A) any student loan counseling, if any, provided by a covered educational institution to any new borrower and cosigner (if any) at the time of any loan application, loan origination, or loan consolidation, or at the time the cosigner assumes responsibility for repayment, the institution shall provide information with respect to creating a durable power of attorney for financial decisionmaking, in accordance with State law; and

''(B) any application for a private education loan, the private educational lender involved in such loan shall provide information to the borrower, and cosigner (if any), concerning the creation of a durable power of attorney for financial decisionmaking, in accordance with State law, with respect to such loan.

''(2) CLEAR AND CONSPICUOUS DESCRIPTION OF COSIGNER'S OBLIGATION.—In the case of any private educational lender who extends a private education loan for which any cosigner is jointly liable, the lender shall clearly and conspicuously describe, in writing, the cosigner's obligations with respect to the loan, including the effect the death, disability, or inability to engage in any substantial gainful activity of the borrower or cosigner (if any) would have on any such obligation, in language that the Board determines would give a reasonable person a reasonable understanding of the obligation being assumed by becoming a cosigner for the loan.

''(3) MODEL FORMS.—The Board shall publish model forms under section 105 for—

''(A) the information required under paragraph (1) with respect to a durable power of attorney for financial decisionmaking, for each State (and such model forms under this subparagraph shall be uniform for all States to the greatest extent possible); and

''(B) describing a cosigner's obligation for purposes of paragraph (2).

''(4) DEFINITION OF DEATH, DISABILITY, OR INABILITY TO ENGAGE IN ANY SUBSTANTIAL GAINFUL ACTIVITY.—For the purposes of this subsection with respect to a borrower or cosigner, the term 'death, disability, or inability to engage in any substantial gainful activity'—

''(A) means any condition described in section 437(a) of the Higher Education Act of 1965 (20 U.S.C. 1087(a)); and

''(B) shall be interpreted by the Board in such a manner as to conform with the regulations prescribed by such Secretary of Education under section 437(a) of the Higher Education Act of 1965 (20 U.S.C. 1087(a)) to the fullest extent practicable, including safeguards to prevent fraud and abuse.''.

(b) DEFINITIONS.—Subsection (a) of section 140 of the Truth in Lending Act (15 U.S.C. 1650(a)) is amended by adding at the end the following new paragraphs:

''(9) DURABLE POWER OF ATTORNEY.—The term 'durable power of attorney'—

''(A) means a written instruction recognized under State law (whether statutory or as recognized by the courts of the State), relating to financial decisionmaking in cases when the individual lacks the capacity to make such decisions; or

''(B) has the meaning given to such term in the Uniform Durable Power of Attorney Act of 2006 and sections 5–501 through 5–505 of the Uniform Probate Code, as in effect in any State.

''(10) COSIGNER.—The term 'cosigner'—

''(A) means any individual who is liable for the obligation of another without compensation, regardless of how designated in the contract or instrument;

''(B) includes any person whose signature is requested as condition to grant credit or to forebear on collection; and

''(C) does not include a spouse of an individual referred to in subparagraph (A) whose signature is needed to perfect the security interest in the loan.''.

SEC. 3. FEDERAL STUDENT LOANS.

Section 485(l)(2) of the Higher Education Act of 1965 (20 U.S.C. 1092(l)(2)) is amended by adding at the end the following:

''(L) Information on the conditions required to discharge the loan due to the death, disability, or inability to engage in any substantial gainful activity of the borrower in accordance with section 437(a), and an explanation that, in the case of a private education loan made through a private educational lender, the borrower, the borrower's estate, and any consigner of a such a private education loan may be obligated to repay the full amount of the loan, regardless of the death or disability of the borrower or any other condition described in section 437(a).

''(M) The model form for the State in which the institution is located with respect to durable power of attorneys published by the Board of Governors of the Federal Reserve System in accordance with subsection (f)(3)(A) of section 140 of the Truth in Lending Act (15 U.S.C. 1650) and, in the case of a borrower who is not a resident of the State in which the institution is located, information on how to access such model form for the State in which the borrower is a resident.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. ADLER) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support the passage of H.R. 5458.

Like all of my colleagues, I receive thousands of pieces of mail each week. When a letter from my constituent Ryan Bryski came across my desk, I knew I had to act.

Ryan's brother Christopher, for whom this bill is named, was a young man attending Rutgers University when he suffered a traumatic brain injury after an accidental fall. Christopher was in a vegetative state for 2 years before his passing in 2006. For a parent, that situation would have been enough to endure, but for the Bryski family, their suffering was far more than just the loss of a youngest son.

Like most college students, Christopher had to borrow money to finance an education. He had received loans through both the Federal Government as well as a private lender. Likes most college age kids, Christopher did not have enough credit to receive a private loan on his own, so his father Joseph cosigned his loan.

Federal loans discharge upon the death of a student. However, private loans do not. Since Joseph cosigned Christopher's loan, he was now responsible to pay it back in full. The situation puzzled the Bryski family because nowhere in their loan contract was a clause specifying what would happen to the loan upon the borrower or cosigner's death or disability. Their lender told them that according to the bank, Christopher's persistent vegetative state and subsequent death was a simple inability to pay, so the financial burden was placed on Joseph.

This was not the only problem the Bryskis encountered after their son's fatal accident. Due to the fact that Christopher was over 18 when he left home to attend school, he was, according to the law, an adult who was able to make his own financial, legal, and health care decisions.

With Christopher in a vegetative state, his parents needed to maintain his financial standing with the school,

as well as pay the bills and fulfill all his contracts. The Bryskis spent countless time and money regaining custody of their son so that they could prevent him from defaulting on other bills in case he should recover.

□ 1750

They were not only being responsible parents, but responsible Americans.

The Bryskis also endured a personal interview of Christopher so that the court could be sure Christopher was unable to make decisions on his behalf. Literally, someone from the court came to Christopher's hospital room and yelled in his face to ensure that he would not respond and that he was indeed in a vegetative state.

As a father of four boys, two of whom are in college, I cannot imagine going through what the Bryskis went through. This is why I introduced H.R. 5458, the Christopher Bryski Student Loan Protection Act, or Christopher's Law. This bill would help prevent other families from going through what the Bryskis did by ensuring that private educational lenders clearly describe the obligations of borrowers and cosigners upon their death or disability—what the banks call ''an inability to pay.'' The rest of us would call it a family tragedy.

Christopher's Law will also urge the Federal Reserve Board to adopt and interpret the same definitions of death and disability as the Department of Education, which has used these definitions for many, many years. This bill does not require that private loans be discharged in case of death or disability. It simply requires private educational lenders to define death and disability so borrowers and their cosigners can refer to these definitions should a catastrophe happen to their family. It also states that private education lenders as well as the Federal Government must provide information on creating a durable power of attorney to handle the borrower's financial affairs should the borrower be unable to make those decisions on their own. In other words, the borrower and the lender must be on the same page.

Since I introduced this legislation, I have been approached by many other families in my district with similar problems as the Bryskis encountered. I believe this is commonsense, bipartisan legislation that deserves the support of the entire body.

I would like to thank Chairman MILLER and Ranking Member KLINE, Chairman FRANK and Ranking Member BACHUS, for bringing this important legislation to the floor, and, frankly, minority staff, for improving this legislation with amendments just in the last few days. It is the way we're supposed to be doing business for the people of our great country. I urge its passage.

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I rise to address this legislation, and I yield myself such time as I may consume.

H.R. 5458 requires private education loan lenders to provide disclosures to students about the benefits of creating a durable power of attorney. For most traditional students, a student loan is the first large financial decision he or she will be making. As such, a student and the cosigner of the loan—often a parent, as with the Bryskis—should be aware of their repayment responsibilities, including those responsibilities if the student should become unable to make payments. And so disclosures, I think, are always helpful.

In addition to existing disclosures for loans, this bill requires private education loan lenders to provide additional information to students and cosigners about the benefits of durable powers of attorney for financial decision-making. A college's financial aid administrator would also be required to provide information to students and their cosigners about creating a durable power of attorney.

I do have some concerns not addressed to this bill itself but that the Federal Government is nearing the point of requiring so many disclosures that they may overwhelm the consumer. I also fear that the requirement that the Federal Reserve Board create 50 different forms based on various State laws surrounding durable powers of attorney will be especially burdensome to the Board. But that's a minor concern.

While a better solution long term would be to provide two simple disclosures that ensure that the cosigners and the students understand the responsibilities of loan repayment and are provided a place to do their own research about durable powers of attorney, this may be the first time that an individual may have a need for this sort of legal document, and these additional disclosures could help better inform the borrowers and cosigners. So for that reason I do not rise in opposition to this legislation.

I want to extend my prayers and thoughts to the Bryski family and other families who experience such a tragedy as this. I thank the gentleman from New Jersey for his kind words.

I yield back the balance of my time.

Mr. ADLER of New Jersey. I thank the gentleman from Alabama.

I am glad he mentioned the Bryski family. Ryan Bryski, the brother of Christopher, is in the gallery. I thank him and his family for sharing what they went through so we can avoid other families going through what you went through. I join Mr. BACHUS in having Christopher and other families similarly situated in our prayers. But, Ryan, I thank you personally for your guidance in this.

I think this is a wonderful example of people trying to work together to solve a people problem. I share some of Mr. BACHUS' concerns that maybe we have too many disclosures from time to time. I would be eager to work with the Member to try to work that out going forward and streamline the process. But I think this is simple legislation that is appropriate to meet a need that comes up every so often with tragic circumstances beyond the actual injury, disability, and death of young people.

I urge strong and immediate passage of this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that it is inappropriate to recognize occupants of the gallery.

Mr. ADLER of New Jersey. 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 Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, H.R. 5458, as amended.

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

A motion to reconsider was laid on the table.

MEDICAL DEBT RELIEF ACT OF 2010

Ms. KILROY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3421) to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3421

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 ''Medical Debt Relief Act of 2010''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Medical debt is unique, and Americans do not choose when accidents happen or when illness strikes.

(2) Medical debt collection issues affect both insured and uninsured consumers.

(3) According to credit evaluators, medical debt collections are more likely to be in dispute, inconsistently reported, and of questionable value in predicting future payment performance because it is atypical and non-predictive.

(4) Nevertheless, medical debt that has been completely paid off or settled can significantly damage a consumer's credit score for years.

(5) As a result, consumers can be denied credit or pay higher interest rates when buying a home or obtaining a credit card.

(6) Healthcare providers are increasingly turning to outside collection agencies to help secure payment from patients and this comes at the expense of the consumer because medical debts are not typically reported unless they become assigned to collections.

(7) In fact, medical bills account for more than half of all non-credit related collection actions reported to consumer credit reporting agencies.

(8) The issue of medical debt affects millions.