

(5) ACTION TO COLLECT PENALTY.—If the Association fails to comply with a determination or order of the Director imposing a civil money penalty under paragraph (1), (2), or (3), after the determination or orders is no longer subject to review as provided under paragraph (4)(A) and subsection (ee), the Director may request the Attorney General of the United States to bring an action in the United States District Court for the District of Columbia to obtain a monetary judgment against the Association and such other relief as may be available. The monetary judgment may, in the discretion of the court, include any attorneys fees and other expenses incurred by the United States in connection with the action. In an action under this paragraph, the validity and appropriateness of the determination or order of the Director imposing the penalty shall not be subject to review.

(6) SETTLEMENT BY DIRECTOR.—The Director may comprise, modify, or remit any civil money penalty which may be, or has been imposed under this subsection.

(7) AVAILABILITY OF OTHER REMEDIES.—Any civil money penalty under this subsection shall be in addition to any other available civil remedy and may be imposed whether or not the Director imposes other administrative sanctions.

(8) DEPOSIT OF PENALTIES.—The Director shall deposit any civil money penalties collected under this subsection into the general fund of the Treasury.

(9) APPLICABILITY.—This subsection shall apply only to violations under paragraphs (1), (2), and (3) occurring on or after January 1, 1993.

(hh) NOTICE OF SERVICE.—Any service required or authorized to be made by the Director under this Act may be made by registered mail, or in such other manner reasonably calculated to give actual notice as the Director may by regulation or otherwise provide.

(i) SUBPOENA AUTHORITY.—

(1) IN GENERAL.—In the course of or in connection with any administrative proceeding under this Act, the Director shall have the authority—

- (A) to administer oaths and affirmations;
(B) to take or cause to be taken depositions;
(C) to issue subpoenas and subpoenas duces tecum; and
(D) to revoke, quash, or modify subpoenas and subpoenas duces tecum issued by the Director.

(2) WITNESSES AND DOCUMENTS.—The attendance of witnesses and the production of documents provided for in this subsection may be required from any place in any State at any designated place where such proceeding is being conducted.

(3) ENFORCEMENT.—The Director may request the Attorney General of the United States to bring an action in the United States district court for the judicial district in which such proceeding is being conducted, or where the witness resides or conducts business, or the United States District Court for the District of Columbia, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this subsection. Such courts shall have jurisdiction and power to order and require compliance therewith.

(4) FEES AND EXPENSES.—Witnesses subpoenaed under this subsection shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Any court having jurisdiction of any proceeding instituted under this subsection by the Association may allow to any such party such reasonable expenses and attorneys fees as the court deems just and proper. Such expenses and fees shall be paid by the Association or from its assets.

(jj) STUDY OF IMPACT OF PRIVATIZATION OF THE ASSOCIATION.—

(1) IN GENERAL.—The Comptroller General of the United States, in consultation with the Secretary of Education and the Secretary of the Treasury, shall conduct and submit to the Congress, not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, a study regarding the effect of repealing the Federal charter of the Student Loan Marketing Association and allowing the Association to continue to operate as a fully private entity.

(2) REQUIREMENTS.—In evaluating the effect of such action, the study shall particularly examine the impact on—

- (A) the availability and supply of student loans;
(B) the availability of financing for student loans and the interest rates for such loans in the secondary markets;
(C) the size, liquidity, and stability of the secondary market for student loans; and
(D) the overall banking and financial system.

The study shall also examine the direct and indirect monetary benefits that accrue to the Student Loan Marketing Association from its quasi-governmental status.

(3) INFORMATION.—The Student Loan Marketing Association shall provide full and prompt access to the Comptroller General, the Secretary of Education and the Secretary of the Treasury to any books, records, and other information requested for the purposes of conducting the study under this subsection.

It was decided in the { Yeas ..... 181
negative ..... { Nays ..... 232

35.9 [Roll No. 57]
AYES—181

- Allard Fields Lloyd
Allen Fish McCollum
Andrews (TX) Franks (CT) McCreery
Archer Gallegly McCurdy
Atkins Gallo McDermott
Bacchus Gekas McGrath
Baker Geren McMullan (NC)
Ballenger Gibbons Meyers
Barnard Gillmor Michel
Barton Glickman Montgomery
Bateman Gradison Moorhead
Beilenson Green Neal (NC)
Bennett Guarini Nussle
Bereuter Hall (TX) Olin
Billbray Hamilton Orton
Billrakis Hancock Oxley
Biley Hansen Packard
Boucher Harris Parker
Browder Hastert Paxon
Byron Hayes (LA) Payne (VA)
Callahan Hefley Pease
Campbell (CA) Hefner Penny
Cardin Henry Peterson (MN)
Carper Herger Petri
Chandler Hoagland Pickle
Chapman Hobson Porter
Clinger Hochbrueckner Pursell
Coble Holloway Ramstad
Coleman (TX) Houghton Ray
Combest Huckaby Regula
Condit Hyde Rhodes
Cooper Inhofe Richardson
Coughlin Ireland Rinaldo
Cox (CA) Jacobs Ritter
Cramer James Rogers
Crane Johnson (SD) Rohrabacher
Cunningham Johnston Rostenkowski
DeLauro Jontz Roth
Dickinson Kaptur Roukema
Doolittle Kasich Rowland
Dorgan (ND) Kennelly Sarpalius
Dornan (CA) Klug Saxton
Dreier Kolbe Schaefer
Duncan Kopetski Schiff
Durbin Kyl Schroeder
Dwyer Lagomarsino Schumer
Eckart Lancaster Sensenbrenner
Edwards (TX) Leach Sharp
English Lent Shaw
Erdreich Lewis (FL) Shays
Ewing Lightfoot Shuster
Fawell Livingston Skaggs

- Skeen
Slattery
Smith (NJ)
Smith (TX)
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Torrice
Upton
Valentine
Visclosky

NOES—232

- Abercrombie Goss Pallone
Ackerman Gunderson Panetta
Alexander Hall (OH) Pastor
Anderson Hammerschmidt Patterson
Andrews (ME) Hatcher Payne (NJ)
Andrews (NJ) Hayes (IL) Pelosi
Annunzio Hertel Perkins
Anthony Hopkins Pickett
Applegate Horn Poshard
Aspin Horton Price
Barrett Hoyer Quillen
Bentley Hubbard Rahall
Berman Hughes Rangel
Bevill Hunter Ravelle
Blackwell Hutto Reed
Boehlert Jefferson Ridge
Boehner Johnson (TX) Riggs
Bonior Jones (GA) Roberts
Borski Jones (NC) Roe
Brewster Kanjorski Roemer
Brooks Kennedy Ros-Lehtinen
Broomfield Kildee Rose
Brown Kleczka Roybal
Bruce Kostmayer Sabo
Bryant LaFalce Sanders
Bunning Lantos Sangmeister
Burton LaRocco Savage
Bustamante Lehman (CA) Sawyer
Camp Lehman (FL) Scheuer
Campbell (CO) Levin (MI) Schulze
Carr Lewis (CA) Serrano
Clay Lewis (GA) Sikorski
Clement Lipinski Sisisky
Coleman (MO) Long Skelton
Collins (IL) Lowery (CA) Slaughter
Collins (MI) Lowery (NY) Smith (FL)
Conyers Luken Smith (IA)
Costello Machtley Smith (OR)
Cox (IL) Manton Snowe
Coynce Markey Solarz
Darden Marlenee Solomon
Davis Martin Staggers
de la Garza Matsui Stokes
DeFazio Mavroules Studds
DeLay Mazzoli Sundquist
Dellums McCandless Sweet
Derrick McCloskey Swift
Dicks McDade Synar
Dingell McEwen Tallon
Dixon McHugh Taylor (NC)
Donnelly McMillen (MD) Thomas (GA)
Dooley McNulty Thomas (WY)
Downey Mfume Thornton
Dymally Miller (CA) Torres
Early Miller (OH) Towns
Edwards (CA) Mineta Traficant
Edwards (OK) Mink Traxler
Emerson Moakley VanderVoeld
Engel Molinari Unsoeld
Espy Mollohan Vento
Evans Moody Vucanovich
Fascell Moran Walker
Fazio Morella Washington
Feighan Murphy Waters
Flake Murtha Waxman
Foglietta Myers Weber
Ford (MI) Nagle Weiss
Ford (TN) Natcher Weldon
Frank (MA) Neal (MA) Wheat
Frost Nichols Williams
Gejdenson Nowak Wilson
Gephardt Oaker Wise
Gilchrist Oberstar Wolpe
Gilman Obey Yates
Gingrich Olver Yatron
Gonzalez Ortiz Young (AK)
Goodling Owens (NY)
Gordon Owens (UT)

NOT VOTING—21

- Armey Johnson (CT) Mrazek
AuCoin Kolter Peterson (FL)
Boxer Russo
Dannemeyer Levine (CA) Santorum
Gaydos Martinez Stark
Grandy Miller (WA) Whitten
Jenkins Morrison Young (FL)

So the amendment was not agreed to.

After some further time,

35.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following substitute amendment submitted by Mr. TOWNS for the amendment submitted by Mr. COLEMAN of Missouri:

Substitute amendment submitted by Mr. TOWNS:

Page 86, line 20, strike out the close quotation marks and following period and after such line insert the following:

(7)(A) No basic grant shall be awarded to an incarcerated student under this subpart that exceeds the sum of the amount of tuition and fees normally assessed by the institution of higher education for the course of study such student is pursuing plus an allowance (determined in accordance with regulations issued by the Secretary) for books and supplies associated with such course of study, except that no basic grant shall be awarded to any incarcerated student serving under sentence of death or any life sentence without eligibility for parole or release, any individual who will not be eligible for parole or release within 5 years, or any individual classified as a 'habitual criminal' as defined by State statute.

(B) Basic grants under this subpart shall only be awarded to incarcerated individuals in a State if such grants are used to supplement and not supplant the level of post-secondary education assistance provided by such State to incarcerated individuals in fiscal year 1988.

(C) No grant shall be awarded to an incarcerated individual to attend an institution unless the majority of the undergraduate programs of study offered by such institution lead to an associate or baccalaureate degree.

Page 345, line 20, strike the close quotation marks and following period and after such line insert the following:

(5) Any entity shall not be considered to be an institution of higher education pursuant to paragraph (1), if such entity has a student enrollment in which more than 30 percent of the students are incarcerated.

Amendment submitted by Mr. COLEMAN of Missouri:

Page 86, line 20, strike the close quotation marks and following period and after such line insert the following:

(7) No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal or State penal institution.

It was decided in the Yeas ..... 85 negative ..... Nays ..... 314

35.11 [Roll No. 58] AYES—85

- Abercrombie Fazio Lewis (GA)
Beilenson Flake Lowery (CA)
Bentley Foglietta Lowey (NY)
Berman Ford (MI) Markey
Blackwell Ford (TN) McDermott
Bonior Goodling McEwen
Carper Green Mfume
Clay Hayes (IL) Miller (CA)
Clement Hobson Mink
Collins (IL) Horton Moody
Collins (MI) Jacobs Moran
Conyers Jefferson Nowak
Cooper Johnson (SD) Oberstar
Coyne Johnston Olin
DeFazio Jones (GA) Owens (NY)
Dellums Jontz Payne (NJ)
Dickinson Kennedy Pease
Dixon Kildee Peterson (MN)
Dymally Kopetski Price
Edwards (CA) Kostmayer Quillen
Evans Lancaster Rangel

- Regula
Roybal
Sabo
Sanders
Sawyer
Scheuer
Schumer
Serrano
Solarz
Stokes
Sundquist
Tanner
Towns
Unsold
Vento
Walker

NOES—314

- Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Gephardt
Anthony
Applegate
Archer
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bereuter
Bevill
Billbray
Bilirakis
Bliley
Boehlert
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combust
Condit
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Davis
de la Garza
DeLauro
DeLay
Derrick
Dicks
Dingell
Dooley
Doolittle
Dorgan (ND)
Dorman (CA)
Downey
Dreier
Duncan
Durbín
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
Engel
English
Erdreich
Espy
Ewing
Fascell
Fawell
Feighan
Fields
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Grandy
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hochbrueckner
Holloway
Hopkins
Horn
Houghton
Hoyer
Hubbard
Huckabay
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Jones (NC)
Kanjorski
Kaptur
Kasich
Klug
Kolbe
Kyl
LaFalce
Lagomarsino
Lantos
LaRocco
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Luken
Machtley
Manton
Marlenee
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Gingrich
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Oakar
Obey
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (VA)
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Pursell
Rahall
Ramstad
Ravenel
Ray
Reed
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Sangmeister
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)

- Washington
Waters
Weiss
Williams
Wolpe
Yates

- Smith (IA)
Smith (OR)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Studds
Stump
Swett
Swift
Synar

- Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torrice
Traficant
Traxler
Upton
Valentine
Visclosky

- Volkmer
Vucanovich
Walsh
Waxman
Weber
Weldon
Wheat
Wise
Wolf
Wyden
Wylie
Young (AK)
Zeliff
Zimmer

NOT VOTING—35

- Armey
AuCoin
Boehner
Boxer
Bunning
Costello
Coughlin
Dannemeyer
Donnelly
Frank (MA)
Gradison
Jenkins
Johnson (CT)
Kennedy
Klecza
Kolter
Laughlin
Lehman (FL)
Levine (CA)
Martinez
Miller (WA)
Morrison
Mrizek
Peterson (FL)
Roberts
Russo
Santorum
Smith (NJ)
Smith (TX)
Stark
Vander Jagt
Whitten
Wilson
Yatron
Young (FL)

So the substitute amendment was not agreed to.

After some further time,

35.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the foregoing amendment submitted by Mr. COLEMAN of Missouri:

It was decided in the affirmative ..... Yeas ..... 351 Nays ..... 39

35.13 [Roll No. 59] AYES—351

- Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Billbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combust
Condit
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Ford (MI)
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckabay
Hughes
Hunter
Hutto
Hyde