

Speier	Udall (CO)	Weiner
Spratt	Udall (NM)	Welch (VT)
Stark	Upton	Weller
Stupak	Van Hollen	Wexler
Sutton	Velázquez	Wilson (OH)
Tanner	Visclosky	Wittman (VA)
Tauscher	Walden (OR)	Wolf
Terry	Walsh (NY)	Woolsey
Thompson (CA)	Walz (MN)	Wu
Thompson (MS)	Wasserman	Wynn
Tierney	Schultz	Yarmuth
Towns	Waters	Young (AK)
Tsongas	Watson	
Turner	Watt	

## NOES—132

Aderholt	Forbes	Miller, Gary
Akin	Fossella	Moran (KS)
Altire	Fox	Musgrave
Bachmann	Franks (AZ)	Myrick
Barrett (SC)	Gallegly	Neugebauer
Bartlett (MD)	Gillibrand	Nunes
Barton (TX)	Gingrey	Paul
Bilbray	Gohmert	Pence
Bilirakis	Goode	Petri
Bishop (UT)	Goodlatte	Pitts
Blackburn	Granger	Platts
Blunt	Graves	Poe
Boehner	Hall (TX)	Price (GA)
Bonner	Hastings (WA)	Putnam
Boozman	Hayes	Radanovich
Brady (TX)	Heller	Regula
Broun (GA)	Hensarling	Reynolds
Brown-Waite,	Herger	Rogers (KY)
Ginny	Hoekstra	Rogers (MI)
Buchanan	Hulshof	Royce
Burgess	Hunter	Ryan (WI)
Burton (IN)	Issa	Sali
Buyer	Johnson (IL)	Saxton
Calvert	Johnson, Sam	Sensenbrenner
Campbell (CA)	Jones (NC)	Sessions
Cannon	Jordan	Shadegg
Cantor	Keller	Shuster
Carney	King (IA)	Smith (NE)
Carter	Kingston	Smith (TX)
Chabot	Kline (MN)	Souder
Coble	Lamborn	Stearns
Conaway	Lampson	Sullivan
Crenshaw	Latta	Tancredo
Culberson	Lewis (KY)	Taylor
Davis (KY)	Linder	Thornberry
Davis, David	LoBiondo	Tiahrt
Davis, Tom	Manzullo	Tiberi
Deal (GA)	Marchant	Walberg
Dent	McCarthy (CA)	Wamp
Drake	McHenry	Weldon (FL)
Duncan	McKeon	Westmoreland
Ellsworth	McMorris	Whitfield (KY)
Everett	Rodgers	Wilson (SC)
Feeney	Mica	Young (FL)
Flake	Miller (FL)	

## NOT VOTING—15

Brady (PA)	Hall (NY)	Peterson (PA)
Brown, Corrine	Harman	Rush
Carson	Mack	Slaughter
Fattah	Meek (FL)	Waxman
Gordon	Melancon	Wilson (NM)

□ 1529

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Madam Speaker, on rollcall No. 199, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. HALL of New York. Madam Speaker, on rollcall No. 199, I was already on my way to question witnesses at the Transportation and Infrastructure hearing. Had I been present, I would have voted "aye."

Mr. FATTAH. Madam Speaker, had I been present for the vote on H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation Act, I would have voted "aye."

### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 2634, JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

Mr. WATT. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2634, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

### GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008.

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

There was no objection.

### ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1107 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5715.

□ 1532

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I yield myself 5 minutes.

Mr. Chairman, Members of the House, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008. It was reported by the Committee on Education and Labor with unanimous bipartisan support, and I want to thank my colleagues on both sides of the aisle for all of the effort they put into this legislation. It is a very important piece of legislation.

At a time when the turmoil in the Nation's credit markets has made it

difficult for some lenders to access the capital they need to finance their student lending activity, this bipartisan bill will ensure that students and parents are able to continue to access the federal loans they need to pay for college.

For quite some time now, the worsening economic downturn has made life more difficult for many of America's families. But this downturn has its root in the housing crisis, which has led to significant tightening in the credit markets. What began as a challenge for home loan borrowers has now become a challenge for other borrowers, like those with credit card debt and automobile loans.

And in recent months, we have now seen questions raised about the availability of student loans for the coming year, especially when those who finance their loans through the auction rate securities, that system has ceased to function.

As a result, some lenders are reducing their lending activity in the federally guaranteed student loan programs, while other lenders are anticipating increasing their market share.

And while the stress in the credit markets is taking a toll on some lenders, students so far have not encountered serious difficulties in getting federal loans they need to pay for college. That's the good news.

But as we have seen too often, the shocks in the financial markets come as a surprise leaving those affected with little time to react. There is emergency authority already built into the current law which would maintain access to federal loans for families in the event of any of these surprises.

It is critical to make sure that this authority is ready to be implemented to ensure America's families can continue to access the federal college loans they are eligible for, regardless of what's happening in the credit markets.

As we work with Secretary Spellings to make sure these safeguards are ready to become operational at a moment's notice, we must also take additional steps on behalf of students and their families.

This legislation provides new protections, in addition to those in current law, to ensure that families can continue to access the loans they need to pay for college.

The bill reduces borrowers' reliance on costlier private loans while encouraging responsible borrowing by increasing the annual student loan limits for federal student loans by \$2,000 for all students. It also increases the total amount of Federal loans students can borrow to \$31,000 for dependent undergraduates and to \$57,500 for independent undergraduates.

H.R. 5715 gives parent borrowers more time to pay off their federal parent PLUS loans by allowing families to delay entering repayment for up to 6 months after a student leaves school. It helps struggling home owners pay

for college by making sure that short-term delinquencies in mortgage payments don't prohibit otherwise eligible parents from being able to pay their PLUS loans.

It clarifies that existing law gives the Secretary of Education the authority to advance federal funds to guaranty agencies in the event that they do not have sufficient capital to originate new loans. It allows guaranty agencies to make lender-of-last-resort loans on a school-wide basis.

And the bill ensures that lenders can continue to access capital to originate new student loans by giving the Secretary of Education the temporary authority to purchase federally guaranteed student loans from lenders, if needed.

Finally, this legislation carries no new costs for taxpayers.

Especially in light of today's economic conditions, the high cost of a college education continues to be one of the primary worries facing American families. A recent poll conducted by the New York Times and CBS News found that 70 percent of the parents surveyed said they were "very concerned" about how they would finance their kids' college education.

Over the past year and a half, this Congress has worked vigorously to make college more affordable and accessible for students and families. Last year, we took the historic step towards this goal by providing more than \$20 billion in financial assistance to low- and middle-income families over the next 5 years.

In February, the House passed bipartisan legislation to reauthorize the Higher Education Act, and we will soon be prepared to conclude the conference committee and bring that to the floor.

Now more than ever, families deserve every assurance that we are doing all that we can to make sure that they can continue to be able to finance their children's college education, regardless of what happens in the credit markets.

And I want to again thank Congressman BUCK MCKEON, Congressman RUBÉN HINOJOSA and Congressman RIC KELLER, the Chair and the ranking member of the subcommittee, and all of the staff for all of the work they have put into this legislation. This has been a very fast turnaround. It could not have happened without the bipartisan cooperation of all of those involved.

I reserve the balance of my time.

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

Mr. Chairman, I rise in support of H.R. 5715, a bill that will help ensure college students and their families are able to plan with confidence for the upcoming school year. On its own, this bill will not restore confidence and stability to the student loan programs, but it is an important first step.

For months, Members on both sides of the aisle have been warning the U.S. Departments of Education and the Treasury, the various federal financial

institutions, and indeed anyone who will listen, about the potential risks to our student loan program. Many of us recognized early that it was only a matter of time before the turmoil in the broader credit markets would spill into the student loan programs.

Unfortunately, those warnings have become reality. I would like to share just a few of the headlines that have appeared in major papers over the last several weeks. The Wall Street Journal said, Credit Woes Hit Student Loans. The New York Times said, Fewer Options Open to Pay For Costs of College. The Washington Post said, Credit Crisis May Make College Loans More Costly: Some Firms Stop Lending to Students. USA Today said, Credit Woes May Hinder College-Bound.

Mr. Chairman, with this bill, we are acting to prevent a crisis before it develops. As these headlines demonstrate, the anxieties among students and families are very real. This bill is far from a complete solution. But it contains modest, yet meaningful, steps to restore investor confidence, begin to address liquidity shortages, and most importantly, provide assistance to student and parent borrowers.

The challenges in the student loan market are multifaceted. Last year, federal support for the loan program was slashed, forcing loan providers to scale back on benefits and reevaluate their future participation in the program. This year, disruptions in the capital markets have reduced liquidity and shaken investor and consumer confidence.

With enactment of the College Cost Reduction and Access Act last fall, we cut some \$18 billion from the program over 5 years. Although we were able to reinvest some of those funds in Pell Grants, which I strongly support, it appears now that we may have done more harm along with that good. That's because we cut so deeply into the student loan program that many lenders have opted to stop offering federal loans altogether.

On the issue of liquidity, what we require is a two-pronged approach to reinstate the flawed capital into the program.

First, this bill authorizes the U.S. Department of Education to act as a secondary market by purchasing or agreeing to purchase student loans so that lenders and holders can make or purchase new loans in the upcoming school year. Although this plan will provide only a modest amount of liquidity, it sends an important signal that policymakers are committed to the program's long-term stability. And it does so with no cost to the taxpayer.

Second, to provide an even greater flow of capital into the program, we are taking steps to ensure other federal financing authorities are viewed as viable sources of liquidity. To that end, this legislation contains a sense of Congress, urging these authorities to exercise their existing authorities to inject liquidity into the marketplace.

We're not alone in recognizing that this market-based problem requires a marked-based solution. Just yesterday, the chairman of the Senate Banking Committee held a hearing on the impact of market disruptions on student loan access, and he called for intervention by the Federal Financing Bank. I welcome these types of creative and complementary approaches, which will work in concert to calm the market.

Taken together, the prospect of federal financial institutions and the U.S. Department of Education stand ready to take the necessary steps to invest in and commit to the future purchase of loans will begin to quell the market uncertainty and restore confidence among investors, as well as among students and families planning for the coming school year.

The troubles facing our financial markets and our economy as a whole are daunting. But we would do a real disservice to students and families if we dismissed the challenges in the student loan program as merely a symptom of a larger problem that is outside our control. The fact is, we can take steps to prevent a collapse in the student loan market. We can do so quickly, and without a cost to taxpayers, by focusing on our commitment to market stability.

I would also offer a word of caution to those who are wary of federal intervention: If we fail to act now, we may be forced to take on a much greater governmental role in the future. And surely we can all agree that it's better to preserve the private sector program now than to replace it with a federal program later.

We made a commitment more than four decades ago that there are national benefits to an affordable, accessible higher education system. What we are doing today is restating that commitment and sending a signal to students and families that we continue to believe in this program that has opened the doors of higher education to so many millions of aspiring young Americans.

Mr. Chairman, this is a good bill that deserves our support. I want to thank the chairman for moving so quickly on this issue.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the subcommittee Chair, the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008.

This is urgent legislation. I would like to thank our Education and Labor chairman, GEORGE MILLER, and our ranking member, HOWARD "BUCK" MCKEON, as well as my good friend and ranking member of the subcommittee, RIC KELLER, for working together to expedite consideration of this bill.

□ 1545

Nothing is more important than reassuring students and families that there

will be no disruption in the availability of Federal student loans, regardless of what happens in our financial markets. As of today, no student has been unable to find a lender for a Federal student loan. However, we are not going to wait until students and families are denied loans before putting safeguards in place. That is what we are doing here today.

Ensuring continued access to Federal student loans is of critical importance. In my congressional district, 40 percent of all student aid comes from the Federal Family Education Loan Program, and in my State of Texas 66 percent of all student aid comes through this program. The concerns that we are hearing from our constituents are real, and we need to address them.

Mr. Chairman, I include for the RECORD a letter dated April 7, 2008, from Texas State Senator Judith Zaffirini, Chair of the Higher Education Subcommittee, urging Congress to take action to avert any disruption in the Federal Family Education Loan Program.

SENATE HIGHER EDUCATION  
SUBCOMMITTEE,

AUSTIN, TX, APRIL 7, 2008.

Hon. RUBÉN HINOJOSA,  
Chair, Subcommittee on Higher Education, Lifelong Learning, & Competitiveness, House of Representatives, Washington, DC.

DEAR CHAIR HINOJOSA: Thank you for your leadership in addressing higher education. I am writing to you in my capacity as Chair of the Senate Higher Education Subcommittee, Chair of the Senate Finance Higher Education Subcommittee, and Vice Chair of the Senate Finance Committee about issues affecting higher education in Texas and to express my support for a viable Federal Family Education Loan Program (FFELP). This is in response to the current turmoil in the capital markets, which appears to be affecting all areas of credit, including student loans.

The FFELP participants provide nearly two-thirds of the student financial aid awarded annually to Texas's postsecondary education students and parents (contrasted with 56 percent nationally). Last year alone, for example, the Texas Guaranteed Student Loan Corporation (TG) guaranteed more than \$3.2 billion in FFELP loans in Texas. The Federal Direct Loan Program (FDLP) accounts for approximately five percent of the state's federal student loan volume.

These FFELP providers also have supplied essential resources to assist students and families obtain information about postsecondary education: how to apply for college, how to choose a college or university to attend, financial aid availability, and how to apply for financial aid. In addition to working with the Texas student financial aid community through regional workshops on various postsecondary education issues, FFELP providers assist the State of Texas with our CLOSING THE GAPS initiative and provide grants and scholarships to organizations to enhance access to college.

In Texas more than 300 lenders, including the four private non-profit higher education authorities organized under Chapter 53B of the Texas Education Code, compete with one another on the basis of providing the best customer service to borrowers. This has produced more than a 90 percent repayment rate through excellent loan servicing and generous borrower benefits in a state that, unfortunately, relies heavily on student debt as

the primary financial vehicle to a finance postsecondary education.

The non-profit lenders and secondary markets organized under the state education code have played a key role within the FFELP delivery system by providing a continuous source of liquidity for FFELP loan originations in Texas as well as support for efforts to enroll more students in higher education from underrepresented populations.

Colleges and universities should continue to have a choice of student lenders and student loan programs. The alternatives to a weakened FFELP most often mentioned—the FDLP and Lender of Last-Resort program—are not viable options in Texas. FDLP has been rejected by Texas institutions, and LLR is untested and has been used only sporadically.

I strongly urge you, as Chair of the Subcommittee on Higher Education, and the Texas Congressional delegation to support efforts to provide financial liquidity that will enable non-profit FFELP providers to continue to finance their programs facilitating reliable, efficient, low-cost secondary market programs that meet the needs of Texas lenders and students.

Feel free to contact me if I can be of further assistance. May God bless you.

Very truly yours,

JUDITH ZAFFIRINI, PH.D.

Mr. Chairman, the challenges facing the student loan marketplace are not the result of lax standards or poor judgment by borrowers or lenders. Student loans are a solid investment. For individuals, a college education means higher earnings, greater career opportunities and a better quality of life. For financial institutions, Federal student loans are a sure bet. They carry a 97 percent guarantee from the Federal Government and default rates remain at historic loans. It is the lack of liquidity in the financial markets that is threatening the ability of lenders in the student loan program to make loans.

H.R. 5715 focuses on two mechanisms to ensure that no student is denied a Federal student loan because of a lack of available lenders. First, the legislation clarifies that the Secretary may advance funding to guaranty agencies in the student loan program so that if called upon, they will be able to fulfill their role as lender of last resort as required under the Higher Education Act.

Secondly, the legislation gives the Secretary temporary authority to purchase student loans, providing an avenue for liquidity so that lenders can make no new loans.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARE. I yield 30 additional seconds to the gentleman from Texas.

Mr. HINOJOSA. The manager's amendment clarifies that loans purchased by the Secretary may continue to be serviced by the original lender so the process remains seamless for students and families. These efforts represent the tools at the disposal of the Education and Labor Committee. However, more can and should be done.

I urge my colleagues to vote "yes" on H.R. 5715 so that there is no uncertainty for students and families about their ability to finance college education.

Mr. McKEON. Mr. Chairman, I yield 2½ minutes to the ranking member of the Subcommittee on Higher Education, the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the Ensuring Continued Access to Student Loans Act. As the ranking member of the Higher Education Subcommittee, I am proud to be a cosponsor of this important legislation. I want to especially thank Chairman MILLER, Chairman HINOJOSA and Ranking Member McKEON for their hard work in the drafting of this legislation on a bipartisan basis.

The troubles that began in the subprime mortgage market have had a ripple effect on our economy, including all types of consumer credit. Unfortunately, that also includes student loans. As a result of these disruptions in the financial markets, students and families all across America are worrying about how they will pay for college this fall. Through no fault of their own, students may have a more difficult time getting the financing they need for college.

Well, at least when it comes to Federal loans, there are things we can do now to prevent that from happening. Today we are taking positive steps to make sure that students have access to low-interest student loans, despite the recent turmoil in the financial markets. This bill was developed on a bipartisan basis to take preliminary action to shore up the Federal Family Education Loan Program and to offer new flexibility and protections to students and their families.

There is no one-size-fits-all solution to the troubles facing our student loan program. I appreciate the fact that the Financial Services Committee is also looking at these issues and that we may be exploring additional action in the future that more directly addresses issues of liquidity.

At this time, however, this is a good bill that will have a positive impact, and I urge my colleagues to vote "yes" and support its passage.

Mr. HARE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today in support of the Ensuring Continued Access to Student Loans Act. Many students and families in my congressional district fear that in our struggling economy they will not be able to access the financial assistance they need to go to school. While we have not yet seen this, we know that there exists the potential for a real crisis.

I have often said in this House how frustrated I am that we wait for an emergency to occur before reacting, rather than working to prevent it in the first place. I am proud that today this body is proactively putting measures in place to ensure our students and lenders that they have the assistance that they need.

This legislation reduces borrowers' reliance on costlier private college

loans; encourages responsible borrowing; gives parent borrowers more time to pay off their Federal PLUS loans; it guarantees eligibility for PLUS loans for struggling homeowners who otherwise have good credit; and it provides the Secretary of Education additional tools to safeguard access to student loans.

All these provisions are good steps forward and will keep our student loan industry strong, which is why I am an original cosponsor of the bill and was proud to support it when our committee marked it up just last week. However, more needs to be done. I look forward to working with my colleagues to continue to address our Nation's economic troubles.

I commend Chairman MILLER, Ranking Member MCKEON and their staffs for putting together this legislation so that our students and lenders have a safety net during the time of economic insecurity. I urge all my colleagues to support the Ensuring Continued Access to Student Loans Act.

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

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. PETRI), a senior member of the committee.

Mr. PETRI. Mr. Chairman, I want to thank Chairman MILLER and our ranking member, BUCK MCKEON, for working together on this important legislation. As has been pointed out, the bill we are considering today will put in place additional measures to ensure continued access to Federal student loans.

During committee consideration I expressed concern with one provision in the bill that would permit an entire institution rather than the individual the authority to participate in the lender of last resort program. I urged the committee to consider clarifying the trigger mechanism for school eligibility in order to avoid a situation in which a guaranty agency is in essence the lender of first resort. I am pleased that the chairman included language in the manager's amendment that will be offered that requires the Secretary of Education, not the guaranty agency, to determine whether a school qualifies for institution-wide designation.

Furthermore, the manager's amendment requires institutions to demonstrate that a minimum number of students or percentage of students have been rejected by eligible lenders before receiving this designation.

These are two important changes, so I again thank Chairman MILLER for including them in the manager's amendment and appreciate Ranking Member MCKEON's assistance on this issue.

While the focus of the bill we are considering today is making sure contingency plans are in place should turmoil in the credit markets affect the availability of Federal student loans and the Federal Family Education Loan Program, we do have another Federal student loan program that is immune

to effects of the credit market, and that is the Direct Loan Program.

Just this year, over 100 schools have applied to participate in the Direct Loan Program. Penn State University stated that it is moving to the Direct Loan Program because it will "enable students to continue their education without worrying about whether and where their Federal student loans come from."

Currently, the Direct Loan Program accounts for about 20 percent of the student loan market. However, the Secretary of Education has stated on multiple occasions that the Direct Loan Program could easily double the amount of new loans it makes to students.

It is just commonsense that in times of market turmoil, instead of relying on untested fall-back measures in the FFEL Program, universities should also consider the Direct Loan Program.

I will conclude by emphasizing that to date, no student or college has reported problems accessing Federal student loans. Currently, the disruption is best described as forcing some students to switch lenders. The message from Congress to students and families should be that they should not panic and should continue to pursue Federal student aid in the upcoming school year. There are measures in place, and in this bill we are strengthening those measures, to ensure that students will always have access to Federal student loans.

Mr. HARE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE), a member of the House Education and Labor Committee.

Mr. ALTMIRE. Mr. Chairman, I rise in support of this legislation which I joined with Chairman MILLER in introducing to ensure that the nationwide credit crisis does not prevent students from attending college. Recent decisions to suspend the issuing of student loans by the Pennsylvania Higher Education Assistance Agency and other lenders demonstrates the need for this legislation.

This bill takes several proactive steps to make certain that students are able to access the financial aid they need to pay for college. It gives the Department of Education the temporary authority to purchase loans from lenders in the Federal Family Education Loan Program. This will provide additional liquidity to the market so that lenders can continue to make student loans. Furthermore, the bill increases Federal loan limits for students by \$2,000 a year, which will reduce students' dependence on more expensive private loans.

I thank Chairman MILLER for his leadership on this issue, and urge all of my colleagues to support this critical legislation.

Mr. MCKEON. Mr. Chairman, I yield 1½ minutes to a member of our leadership team, the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise today in support of the Ensuring Student Access to Student Loans Act of 2008. This bill is designed to increase investor confidence in the marketplace by authorizing the Secretary of Education to purchase student loans. This will free up liquidity for new loans and show lenders that student loans are a safe and secure investment.

We are facing uncertain economic times. This bill will help ensure that loans will continue to be available to students. Every student should have the opportunity to attend college. But, unfortunately, the cost of college is increasing, which has become a barrier for students and families. This bill increases the loan limit for Stafford Loans in order to allow students to receive more Federal funding. Making more aid available to students will make college more accessible and affordable to students and families.

But it is not just the cost of college that is a challenge. The free application for Federal student aid form, or FAFSA, as it is known, is complicated and cumbersome for students and families to complete. The FAFSA form is so complicated that it has deterred many students and families from applying for aid.

As we consider this bill and other higher education bills we should work to simplify the FAFSA form to help ensure that students and families have access to the financial aid that they need in order to attend college.

I urge my colleagues to support H.R. 5715.

Mr. HARE. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. EMANUEL), the chairman of our caucus.

□ 1600

Mr. EMANUEL. Mr. Chairman, let me just say to the simplification of the student loan form—actually, it happened to be my first bill—which is to take the 106 questions, 8 pages long, down to commonsense English, cut it in half, and the good news is that, in fact, the Higher Ed Reauthorization Act will then, in short order—I have all the confidence in Chairman MILLER—be on the floor this month to pass.

This, like that act, is a second step that we take to make sure that we put a protective wall around the student loan market.

What we see today in the mortgage industry, what we see today happening in other parts of the marketplace, should not happen to those students and those families who are trying to send their kids to college.

We live in an era where you earn what you learn. A college education is a ticket to the middle class life and to greater economic security and greater economic opportunity. What has happened in the subprime market and what has happened in our marketplace in the financial sector should not migrate into the student loan industry.

This legislation ensures that it will not. It has two messages, one to parents and students, that says in this

time of uncertainty, know that your government is there to ensure that you get a student loan coming up this fall.

It's also a message to the executive branch: Do not wait for a crisis. Do not act like you do not have this authority. You have this authority. The Congress, in a bipartisan vote, will make sure you know in no uncertain terms to have the authority to prevent any chaos, any disruption to the student loan marketplace.

This legislation, like the reauthorization of the higher ed bill, will build on the facts that we have extended this year and increase Pell Grants for the first time, pass the largest increase of student loans since the GI Bill in 1944. This Congressman knows that when middle class families look at their kids, look at the cost of college that has gone up by \$7,500, knows that kids today, when they graduate, graduate with an average debt burden of \$18,000 when they get their diploma.

This Congress makes sure that middle class families don't fall farther behind making sure their kids have a better and more opportunistic future than they had. A college education is the key to that future, and I am proud that we are taking this action speedily before there is any crisis in the student loan industry.

Mr. GEORGE MILLER of California. I thank the gentleman.

I want to thank all my colleagues who participated in the debate this evening. We will have some time for additional debate tomorrow, but I was also remiss in not thanking Amy Jones of Congressman MCKEON's staff for all of her hard work on this bill, and the individuals on my staff, Denise Forte, Gaby Gomez, Julie Radocchia, Jeff Appel, Stephanie Moore, Brian Kennedy, Joe Novotny, Lamont Ivey, and Margaret Young for all their assistance in bringing this bill to the floor.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 5715, "Ensuring Continued Access to Student Loans Act of 2008", introduced by Representative GEORGE MILLER of California. I want to thank the Committee on Education and Labor for its efforts in this important area.

Every generation sets out to improve upon the previous generation. We teach our children that if they focus, are responsible, and work hard they can be anything. Yet we have provided a false truth for the majority of our children. Rising tuitions in higher education even at our community colleges are keeping a lot of our youth from attending college. For those that are able to attend, they are burdened by extensive loans just to buy books, attend class, and maintain housing.

Families are sending their children to school, trying to qualify for parent loans and wondering how they are going to make the payments when they are struggling to pay their mortgage and facing their own issues with possible unemployment.

In my home state of Texas, families are struggling to assist children with their education while they face an unemployment rate of 4.3 percent across the state. As of the end of last year, Texas was ranked as having the

20th highest unemployment rate (out of the 50 states). And we are not alone as states grapple with unemployment and a falling housing market.

H.R. 5715, Ensuring Continued Access to Student Loans Act, provides much needed support to our families in a time when they most need it by specifically addressing the needs of parents, students, and even lenders. The Student loans Act would: Increase unsubsidized loan limits for students—This bill will increase unsubsidized loan limits by \$2,000 for each year of undergraduate and graduate school. It also increases the aggregate loan limits to \$31,000 for dependent undergraduates and \$57,500 for independent undergraduate students.

Delayed repayment of parent PLUS loans—Currently PLUS loan borrowers—parents—go into repayment 60 days after disbursement of the loan. This bill would give families an option of not entering repayment for up to 6-months after a student leaves school.

PLUS loan eligibility for struggling homeowners—Under current law, parents with an adverse credit history are ineligible to receive a parent PLUS loan, except under extenuating circumstances. In light of the current housing market, the bill temporarily qualifies up to 180 day delinquency on home mortgages as an extenuating circumstance, therefore making it more possible for parents struggling with the current housing market to secure loans for their children.

Lender of Last Resort flexibility—The bill makes clear in statute that the Secretary of Education has the mandatory authority to advance Federal funds to Guaranty Agencies in the case that they do not have sufficient capital. Further, the bill allows a Guaranty Agency to designate a school (rather than an individual student) as a "lender of last resort school," in accordance with guidelines set by the Secretary.

Authority for the Secretary of Education to purchase FFEL loan assets—The bill gives the Secretary the temporary authority, upon a determination that there is inadequate availability to meet demand for loans, to purchase loans from FFEL lenders. Such purchases could only be made in the case they are revenue-neutral or beneficial to the Federal Government.

Federal Institutions' participation—The bill includes a Sense of the Congress that the Federal Financial Institutions and entities (including the Federal Financing Bank, the Federal Home Loan Banks, and the Federal Reserve) should consider using, in consultation with the Secretaries of Education and the Treasury, available authorities, if needed, to assist in ensuring continued student loan access.

#### CONCLUSION

I urge my colleagues to vote for H.R. 5715, Ensuring Continued Access to Student Loans Act. Let's support education by allowing for greater flexibility, eligibility, and participation for students and their families

Mr. GEORGE MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. FOSSELLA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 1, not voting 40, as follows:

[Roll No. 200]

AYES—395

Abercrombie	Davis (CA)	Inslee
Ackerman	Davis (KY)	Israel
Aderholt	Davis, David	Issa
Akin	Davis, Lincoln	Jackson (IL)
Alexander	Davis, Tom	Jackson-Lee
Allen	Deal (GA)	(TX)
Altmire	DeFazio	Jefferson
Andrews	DeGette	Johnson (GA)
Arcuri	Delahunt	Johnson (IL)
Baca	DeLauro	Johnson, E. B.
Bachmann	Dent	Johnson, Sam
Baird	Diaz-Balart, L.	Jones (NC)
Baldwin	Diaz-Balart, M.	Jones (OH)
Barrett (SC)	Dingell	Jordan
Barrow	Doggett	Kagen
Bartlett (MD)	Donnelly	Kanjorski
Barton (TX)	Doolittle	Kaptur
Bean	Doyle	Keller
Becerra	Drake	Kennedy
Berkley	Dreier	Kildee
Biggert	Duncan	Kilpatrick
Bilbray	Edwards	Kind
Bilirakis	Ehlers	King (IA)
Bishop (GA)	Ellison	King (NY)
Bishop (NY)	Ellsworth	Kingston
Blackburn	Emanuel	Kirk
Blumenauer	Emerson	Klein (FL)
Blunt	Engel	Kline (MN)
Boehner	English (PA)	Knollenberg
Bonner	Eshoo	Kucinich
Bono Mack	Etheridge	Kuhl (NY)
Boozman	Everett	LaHood
Bordallo	Fallin	Lamborn
Boren	Farr	Lampson
Boswell	Ferguson	Langevin
Boucher	Filner	Larsen (WA)
Boustany	Flake	Larson (CT)
Boyd (FL)	Forbes	Latham
Boyd (KS)	Fortenberry	LaTourette
Brady (TX)	Fossella	Latta
Braley (IA)	Foster	Lee
Broun (GA)	Fox	Levin
Brown (SC)	Frank (MA)	Lewis (CA)
Brown-Waite,	Frelinghuysen	Lewis (GA)
Ginny	Gallely	Lewis (KY)
Buchanan	Garrett (NJ)	Lipinski
Burgess	Gerlach	LoBiondo
Burton (IN)	Giffords	Loeb
Butterfield	Gilchrest	Lofgren, Zoe
Buyer	Gillibrand	Lowey
Calvert	Gingrey	Lucas
Camp (MI)	Gohmert	Lungren, Daniel
Campbell (CA)	Gonzalez	E.
Cannon	Goode	Lynch
Cantor	Goodlatte	Mahoney (FL)
Capito	Gordon	Maloney (NY)
Capps	Granger	Manzullo
Capuano	Graves	Marchant
Cardoza	Green, Al	Marshall
Carnahan	Green, Gene	Matheson
Carney	Grijalva	Matsui
Carson	Gutierrez	McCarthy (CA)
Carter	Hall (NY)	McCarthy (NY)
Castle	Hall (TX)	McCaul (TX)
Castor	Hare	McCollum (MN)
Chabot	Hastings (FL)	McCotter
Chandler	Hastings (WA)	McDermott
Clarke	Hayes	McGovern
Clay	Heller	McHenry
Cleaver	Hensarling	McHugh
Clyburn	Herger	McIntyre
Coble	Herseth Sandlin	McKeon
Cohen	Higgins	McMorris
Cole (OK)	Hill	Rodgers
Conaway	Hinchesy	McNerney
Cooper	Hinojosa	McNulty
Costa	Hirono	Meeks (NY)
Costello	Hobson	Melancon
Courtney	Hodes	Mica
Cramer	Hoekstra	Michaud
Crenshaw	Holden	Miller (FL)
Crowley	Holt	Miller (MI)
Cubin	Honda	Miller (NC)
Cuellar	Hooley	Miller, Gary
Culberson	Hoyer	Miller, George
Cummings	Hunter	Mitchell
Davis (AL)	Inglis (SC)	Mollohan

Moore (KS)	Rodriguez	Speier
Moore (WI)	Rogers (AL)	Stearns
Moran (KS)	Rogers (KY)	Stupak
Moran (VA)	Rogers (MI)	Sutton
Murphy (CT)	Rohrabacher	Tancredro
Murphy, Patrick	Ros-Lehtinen	Tanner
Murphy, Tim	Roskam	Tauscher
Murtha	Ross	Taylor
Musgrave	Rothman	Terry
Myrick	Roybal-Allard	Thompson (CA)
Nadler	Royce	Thompson (MS)
Napolitano	Ruppersberger	Thornberry
Neal (MA)	Ryan (OH)	Tiahrt
Neugebauer	Ryan (WI)	Tiberi
Norton	Salazar	Towns
Nunes	Sali	Tsongas
Oberstar	Sanchez, Linda	Turner
Obey	T.	Udall (CO)
Olver	Sanchez, Loretta	Udall (NM)
Ortiz	Sarbanes	Upton
Pallone	Saxton	Van Hollen
Pascarell	Schakowsky	Velázquez
Pastor	Schiff	Visclosky
Paul	Schmidt	Walberg
Payne	Schwartz	Walden (OR)
Pearce	Scott (GA)	Walsh (NY)
Pence	Scott (VA)	Walz (MN)
Perlmutter	Serrano	Wamp
Peterson (MN)	Sessions	Wasserman
Petri	Shadegg	Schultz
Pitts	Shays	Waters
Poe	Shea-Porter	Watson
Pomeroy	Sherman	Waxman
Porter	Shimkus	Welch (VT)
Price (GA)	Shuler	Weller
Price (NC)	Shuster	Westmoreland
Pryce (OH)	Sires	Wexler
Putnam	Skelton	Whitfield (KY)
Radanovich	Smith (NE)	Wilson (OH)
Ramstad	Smith (NJ)	Wilson (SC)
Rangel	Smith (TX)	Wittman (VA)
Regula	Smith (WA)	Wolf
Rehberg	Snyder	Woolsey
Reichert	Solis	Wu
Reyes	Souder	Yarmuth
Reynolds	Space	Young (AK)
Richardson		

NOES—1

Stark  
NOT VOTING—40

Bachus	Franks (AZ)	Sestak
Berman	Harman	Simpson
Berry	Hulshof	Slaughter
Bishop (UT)	Linder	Spratt
Brady (PA)	Mack	Sullivan
Brown, Corrine	Markey	Tierney
Christensen	McCrery	Watt
Conyers	Meek (FL)	Weiner
Davis (IL)	Peterson (PA)	Weldon (FL)
Dicks	Pickering	Wilson (NM)
Faleomavaega	Platts	Wynn
Fattah	Rahall	Young (FL)
Feeney	Renzi	
Fortuño	Rush	

□ 1628

Messrs. MARIO DIAZ-BALART of Florida, ROTHMAN, BARTLETT of Maryland and HOLT changed their vote from “no” to “aye.”

So the motion to rise was agreed to. The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. JONES of Ohio) having assumed the chair, Mr. JACKSON of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, had come to no resolution thereon.

BEACH PROTECTION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 1083 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2537.

□ 1631

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, with Mr. JACKSON of Illinois (Acting Chairman) in the chair.

The Clerk read the title of the bill. The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, April 10, 2008, amendment No. 8 printed in the CONGRESSIONAL RECORD offered by the gentleman from Arizona (Mr. FLAKE) had been disposed of.

AMENDMENT NO. 4 OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOSSELLA: Page 2, after line 2 insert the following:

**TITLE I—BEACH PROTECTION ACT OF 2007**

At the end of the bill, add the following new title:

**TITLE II—FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AMENDMENTS ACT OF 2008**

**SEC. 100. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This title may be cited as the “Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008” or the “FISA Amendments Act of 2008”.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

- Sec. 100. Short title; table of contents.
  - Subtitle A—Foreign Intelligence Surveillance
    - Sec. 101. Additional procedures regarding certain persons outside the United States.
    - Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.
    - Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
    - Sec. 104. Applications for court orders.
    - Sec. 105. Issuance of an order.
    - Sec. 106. Use of information.
    - Sec. 107. Amendments for physical searches.
    - Sec. 108. Amendments for emergency pen registers and trap and trace devices.
    - Sec. 109. Foreign Intelligence Surveillance Court.
    - Sec. 110. Weapons of mass destruction.
    - Sec. 111. Technical and conforming amendments.
      - Subtitle B—Protections for Electronic Communication Service Providers
        - Sec. 201. Definitions.
        - Sec. 202. Limitations on civil actions for electronic communication service providers.
        - Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.

Sec. 204. Preemption of State investigations.

Sec. 205. Technical amendments.

Subtitle C—Other Provisions

Sec. 301. Severability.

Sec. 302. Effective date; repeal; transition procedures.

**Subtitle A—Foreign Intelligence Surveillance**

**SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.**

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

- (1) by striking title VII; and
- (2) by adding after title VI the following new title:

**“TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES**

**“SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.**

“Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

**“SEC. 702. DEFINITIONS.**

“(a) IN GENERAL.—The terms ‘agent of a foreign power’, ‘Attorney General’, ‘contents’, ‘electronic surveillance’, ‘foreign intelligence information’, ‘foreign power’, ‘minimization procedures’, ‘person’, ‘United States’, and ‘United States person’ shall have the meanings given such terms in section 101, except as specifically provided in this title.

“(b) ADDITIONAL DEFINITIONS.—

“(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘congressional intelligence committees’ means—

“(A) the Select Committee on Intelligence of the Senate; and

“(B) the Permanent Select Committee on Intelligence of the House of Representatives.

“(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms ‘Foreign Intelligence Surveillance Court’ and ‘Court’ mean the court established by section 103(a).

“(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms ‘Foreign Intelligence Surveillance Court of Review’ and ‘Court of Review’ mean the court established by section 103(b).

“(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ‘electronic communication service provider’ means—

“(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

“(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

“(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

“(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

“(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

“(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ‘element of the intelligence community’ means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).