back on the Department of Education and the leadership which has been provided to it by Secretary Riley and realize we have had one of the most effective, brightest, hard-working, and thought-provoking and innovative Secretaries that our Nation has ever seen in Secretary Riley. So I hope people do not view this as a reflection on the work that he has done at the Department of Education. Because under his leadership there have been significant improvements overall at the Department of Education. I just want to highlight a couple of those that we have seen in recent years.

The Education Department today has roughly two-thirds of the number of employees administering its programs since 1980, even though the budget has approximately doubled since then. The Education Department has trimmed its regulations by a third and reduced grant application paperwork and aggressively implemented waiver authority to legal roadblocks to State reform.

The student loan default rate is now at a record low 8.8 percent after declining for 7 consecutive years. It was 22.4 percent when President Clinton took office, and, as a result, the taxpayers in this country have been saved billions of dollars.

Collections on defaulted loans have more than tripled, from $1 billion in fiscal year 1993 to over $3 billion in fiscal year 1999 alone.

The Direct Student Loan Program proposed by President Clinton in 1993 and enacted by Congress in 1994 has saved taxpayers over $4 billion over the last 5 years.

The creation of the National Student Loan Data System has allowed education officials to identify prior defaulters and thereby prevent the disbursement of as much as $1 billion in new grants and loans to ineligible students.

The customer saving rates for ED Pubs, the Education Department's documents and distribution center, exceed those of premier corporations like Federal Express and Nordstrom.

There are also signs that the quality of education is starting to turn the corner as well. We have higher academic standards and assessments being put in place throughout the 50 States, improvement in the Nation's reading scores in the three grades tested, and math scores are starting to show some improvement as well.

Yes, there are some management problems that we are hopefully going to be able to get to the bottom of, and, with this legislation, sooner rather than later, but there are a lot of achievements and progress being made with the Department of Education and the programs they are responsible for that we shouldn't lose sight of even with the need for this legislation today.

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

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

Mr. Speaker, I thank my colleague for working together on this issue. We have outlined some of the problems within the Department of Education. Hopefully through this effort, by having the General Accounting Office go in and take a more in-depth analysis, hopefully they will go in and they will not find additional fraud or abuse and they will find that the Department is operating appropriately. At this point in time, we just do not know. We have enough cases that indicate on a bipartisan basis that we need to go in for a closer look.

This is a targeted approach. This is an approach that we can work with the General Accounting Office on and make sure that we are dealing with the appropriate issues at the right time and that we then can move on to the other things that my colleague from Wisconsin was alluding to, as to the effectiveness of the spending participating here in Washington, are we getting the maximum effect for the dollars we are spending.

That will be a debate for another day, or hopefully that will be a debate or a process that we can build a bipartisan consensus as to the best way to move forward, empowering local officials and parents to make the decisions for the education of their children because that really is the leverage point, empowering parents and local officials to focus on basic academics, delivered in a safe and drug-free school, so that our children can get the best education of any kids in the world.

I think that is a vision that we share on a bipartisan basis, at least getting the best education for our kids. We may have some disagreements as to what the best process is, but we have the same long-term goals and objectives in mind.

Mr. GOODLING. Mr. Speaker, I rise in strong support of H.R. 4079, which requires the Comptroller General to conduct a fraud audit of selected accounts at the U.S. Department of Education. I want to thank Mr. HOEKSTRA for his work in bringing this bill to the floor.

I note at the outset that this bill received the support of minority members of the Committee on Education and the Workforce at our full committee mark-up held a couple of weeks ago. Both majority and minority members of the Committee are aware of the serious financial management problems at the Department of Education. This awareness is due to the considerable time and effort the Subcommittee on Oversight and Investigations has spent assessing the agency's practices. Through its hearings, the Subcommittee found the department's operations and practices to be very susceptible to fraud and abuse.

By way of background, I would note that Congress has increased federal education funding in recent years. The Labor-HHS-Education Appropriations bill for Fiscal Year 2001 provides $37.2 billion in discretionary spending for the Department of Education. The agency also currently manages a $100 billion direct student loan portfolio, a new banking function initiated by the Clinton Administration. I am concerned that the direct loan program is becoming a millstone around the neck of an agency struggling to handle its basic responsibilities.

Recent reports of independent auditors have informed us that the Department neither practices sound fiscal management nor possesses an appropriate accounting system. The agency has yet to get its first clean audit opinion and is consistently cited by auditors for failings. These include an inability to reconcile its accounts with Treasury; failure to properly inventory its computers and other equipment; and an inability to safeguard effectively its computer systems from access by unauthorized users.

Federal education dollars that should go to the classroom are instead going to buying television sets, computers and palm pilots for friends and relatives of Department of Education employees. Two individuals recently pleaded guilty to participating in such a scheme, which remains under investigation by the Justice Department. And this is only one in a series of abuses recently examined by the Subcommittee on Oversight and Investigation.

We have tried as a Congress to improve the fiscal stewardship of the Department. When the 105th Congress wrote the Higher Education Amendments of 1998, it turned the Education Department's Office of Student Financial Assistance into the federal govenment's first performance-based organization.

Mr. HOEKSTRA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and pass the bill, H.R. 4079, as amended.

The question was taken.

Mr. HOEKSTRA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HIGHER EDUCATION TECHNICAL AMENDMENTS OF 2000

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4504) to make technical amendments to the Higher Education Act of 1965, as amended.

The Clerk read as follows:

H.R. 4504

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

SECTION 1. SHORT TITLE; REFERENCE; EFFECTIVE DATE.

(a) SHORT TITLE.—This Act may be cited as the ''Higher Education Technical Amendments of 2000''.

(b) REFERENCE.—Except as otherwise expressly provided in this Act, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made

by this Act shall take effect as if enacted as part of the Higher Education Amendments of 1998 (Public Law 105–244).

SEC. 2. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE I.—

(1) Section 101(a)(1) (20 U.S.C. 1001(a)(1)) is amended by inserting before the semicolon at the end the following: '', or students who meet the requirements of section 484(d)(3)''.

(2) Section 102(a)(2)(A) (20 U.S.C. 1002(a)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B unless—

''(i) in the case of a graduate medical school located outside the United States—

''(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

''(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

''(II) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

''(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 101(a)(4)—

''(I) the institution was certified by the Secretary as eligible to participate in the loan program under part B of title IV before October 1, 1999; and

''(II) the institution's students complete their clinical training at an approved veterinary school located in the United States.''.

(3) Section 102(a)(3)(A) (20 U.S.C. 1002(a)(3)(A)) is amended by striking ''section 521(4)(C) of the Carl Perkins Vocational and Applied Technology Education Act'' and inserting ''section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998''.

(4) Section 103(7) (20 U.S.C. 1003(7)) is amended to read as follows:

''(7) NEW BORROWER.—The term 'new borrower' when used with respect to any date for any loan under any provision of—

''(A) part B or part D of title IV means an individual who on that date has no outstanding balance of principal or interest owing on any loan made, insured, or guaranteed under either such part; and

''(B) part E of title IV means an individual who on that date has no outstanding balance of principal or interest owing on any loan made under such part.''.

(5) Section 131(a)(3)(A)(iii) (20 U.S.C. 1015(a)(3)(A)(iii)) is amended—

(A) by striking ''an undergraduate'' and inserting ''a full-time undergraduate''; and

(B) in subclause (I), by striking ''section 428(a)(2)(C)(i)'' and inserting ''section 428(a)(2)(C)(ii)''.

(6) Section 131(b) is amended by striking ''the costs for typical'' and inserting ''the prices for, and financial aid provided to, typical''.

(7) Section 131(c)(2)(B) is amended by striking ''costs'' and inserting ''prices''.

(8) Section 131(d)(1) is amended by striking ''3 years'' and inserting ''4 years''.

(9) Section 141 (20 U.S.C. 1018) is amended—

(A) in subsection (a)(2)(B), by inserting ''total and unit'' after ''to reduce the'';

(B) in subsection (c)—

(i) in paragraph (1)(A), by striking ''Each year'' and inserting ''Each fiscal year'';

(ii) in paragraph (1)(B), by inserting ''guaranty agencies,'' after ''lenders,''; and

(iii) in paragraph (2)—

(I) in subparagraph (A), by striking ''expenditures'' and inserting ''administrative expenditures for the most recent fiscal year''; and

(II) in subparagraph (B), by striking ''Chief Financial Officer Act of 1990 and'' and inserting ''Chief Financial Officers Act of 1990,'' and by inserting before the period at the end the following: '', and other relevant legislation'';

(C) in subsection (f)(3)(A), by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)''; and

(D) in subsection (g)(3), by adding at the end the following new sentence: ''The names and compensation for those individuals shall be included in the annual report under subsection (c)(2).''.

(b) AMENDMENTS TO TITLE III.—

(1) Subsection (g) of section 324 (20 U.S.C. 1063(g)) is amended to read as follows:

''(g) SPECIAL RULE FOR CERTAIN DISTRICT OF COLUMBIA ELIGIBLE INSTITUTIONS.—

''(1) HOWARD UNIVERSITY.—In any fiscal year that the Secretary determines that Howard University will receive an allotment under subsections (b) and (c) which is not in excess of amounts received for such fiscal year by Howard University under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123), relating to the annual appropriations for Howard University, then Howard University shall be ineligible to receive an allotment under this section.

''(2) UNIVERSITY OF THE DISTRICT OF COLUMBIA.—In any fiscal year, the University of the District of Columbia may receive financial assistance under this part, or under section 4(c) of the District of Columbia College Access Act of 1999 (P.L. 106–98), but not under both this part and such section.''.

(2) Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended, in the matter preceding subparagraph (A), by inserting a colon after ''the following''.

(3) Section 342(5)(C) (20 U.S.C. 1066a(5)(C)) is amended—

(A) by inserting a comma after ''equipment'' the first place it appears; and

(B) by striking ''technology,,'' and inserting ''technology,''.

(4) Section 343(e) (20 U.S.C. 1066b(e)) is amended by inserting after the subsection designation the following: ''SALE OF QUALIFIED BONDS.—''.

(5) Section 1024 (20 U.S.C. 1135b–3), as transferred by section 301(a)(5) of the Higher Education Amendments of 1998 (Public Law 105–244; 112 Stat. 636), is repealed.

(c) AMENDMENTS TO PART A OF TITLE IV.—

(1) Section 402D (20 U.S.C. 1070a–14) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

''(c) SPECIAL RULE.—

''(1) USE FOR STUDENT AID.—A recipient of a grant that undertakes any of the permissible services identified in subsection (b) may, in addition, use such funds to provide grant aid to students if the recipient demonstrates in its application, to the satisfaction of the Secretary, that the size of the grants the recipient will provide to students is appropriate and likely to have a significant impact on retention at that institution. In making grants to students under this subsection, an institution shall ensure that adequate consultation takes place between the student support service program office and the institution's financial aid office.

''(2) ELIGIBLE STUDENTS.—For purposes of receiving grant aid under this subsection, eligible students shall be current participants in the student support services program offered by the institution and be—

''(A) students who are in their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1; or

''(B) students who have completed their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1 if the institution demonstrates to the satisfaction of the Secretary that—

''(i) these students are at high risk of dropping out; and

''(ii) it will first meet the needs of all its eligible first- and second-year students for services under this paragraph.

''(3) DETERMINATION OF NEED.—A grant provided to a student under paragraph (1) shall not be considered in determining that student's need for grant or work assistance under this title, except that in no case shall the total amount of student financial assistance awarded to a student under this title exceed that student's cost of attendance, as defined in section 472.

''(4) MATCHING REQUIRED.—A recipient of a grant who uses such funds for the purpose described in paragraph (1) shall match the funds used for such purpose, in cash, from non-Federal funds, in an amount that is not less than 33 percent of the total amount of funds used for that purpose. This paragraph shall not apply to any grant recipient that is an institution of higher education eligible to receive funds under part A or B of title III or title V.

''(5) RESERVATION.—For any fiscal year after the date of enactment of the Higher Education Technical Amendments of 2000, the Secretary may reserve not more than 20 percent of the funds available under this section for grant aid in accordance with this subsection.''.

(2)(A) Section 404A(b) (20 U.S.C. 1070a–21(b)) is amended by adding at the end thereof the following new paragraph:

''(3) DURATION.—An award made by the Secretary under this chapter to an eligible entity described in paragraph (1) or (2) of subsection (c) shall be for a period of 6 years.''.

(B) The amendment made by subparagraph (A) shall be effective for awards made for fiscal year 2000 and succeeding fiscal years, except that the Secretary shall permit recipients of 5-year grants made for fiscal year 1999 to amend their applications to include a 6-year project period.

(3) Section 415A(a)(2) (20 U.S.C. 1070c(a)(2)) is amended by striking ''section 415F'' and inserting ''section 415E''.

(4) Section 415E(c) (20 U.S.C. 20 U.S.C. 1070c–3a(c)) is amended to read as follows:

''(c) AUTHORIZED ACTIVITIES.—Each State receiving a grant under this section may use the grant funds for—

''(1) making awards that—

''(A) supplement grants received under section 415C(b)(2) by eligible students who demonstrate financial need; or

''(B) provide grants under section 415C(b)(2) to additional eligible students who demonstrate financial need;

''(2) providing scholarships for eligible students—

''(A) who demonstrate financial need; and

''(B) who—

''(i) desire to enter a program of study leading to a career in—

''(I) information technology;

''(II) mathematics, computer science, or engineering; or

''(III) another field determined by the State to be critical to the State's workforce needs; or

''(ii) demonstrate merit or academic achievement and desire; and

''(3) making awards that—

''(A) supplement community service work-study awards received under section 415C(b)(2) by eligible students who demonstrate financial need; or

''(B) provide community service work-study awards under section 415C(b)(2) to additional eligible students who demonstrate financial need.''.

(5) Section 415E (20 U.S.C. 20 U.S.C. 1070c–3a) is amended by adding at the end the following:

''(f) SPECIAL RULE.—Notwithstanding subsection (d), for purposes of determining a State's share of the cost of the authorized activities described in subsection (c)—

''(1) in the case of a State that participates in the program authorized under this section in fiscal year 2000—

''(A) if such State participates in the program in fiscal year 2001, for that year the State shall consider only those expenditures from non-Federal sources that exceed its expenditures for activities authorized under this subpart for fiscal year 1999; or

''(B) if such State does not participate in the program in fiscal year 2001, but participates in the program in a succeeding fiscal year, for the first fiscal year after fiscal year 2001 in which the State participates in the program, the State shall consider only those expenditures from non-Federal sources that exceed its expenditures for activities authorized under this subpart for the preceding fiscal year, or fiscal year 1999, whichever is greater; and

''(2) in the case of a State that participates in the program authorized under this section for the first time after fiscal year 2000, for the first fiscal year in which the State participates in the program, the State shall consider only those expenditures from non-Federal sources that exceed its expenditures for activities authorized under this subpart for the preceding fiscal year.

''(g) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State receiving a grant under this section shall not use any of the grant funds to pay administrative costs associated with any of the authorized activities described in subsection (c).''.

(6) Section 419C(b)(1) (20 U.S.C. 1070d–33(b)(1)) is amended by inserting ''and'' after the semicolon at the end thereof.

(7) Section 419D(d) (20 U.S.C. 1070d–34(d)) is amended by striking ''Public Law 95–1134'' and inserting ''Public Law 95–134''.

(d) AMENDMENTS TO PART B OF TITLE IV.—

(1) Section 425(a)(1)(A)(i)(II) (20 U.S.C. 1075(a)(1)(A)(i)(II)) is amended to read as follows:

''(II) if such student is enrolled in a program of undergraduate education that is less than 1 academic year, the maximum annual loan amount that such student may receive may not exceed the lesser of—

''(aa) the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in semester, trimester, quarter, or clock hours bears to 1 academic year; or

''(bb) the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in weeks of instruction bears to 1 academic year;''.

(2) Section 428(a)(2)(A) (20 U.S.C. 1078(a)(2)(A)(i)) is amended—

(A) by striking ''and'' at the end of subclause (II) of clause (i); and

(B) by moving the margin of clause (iii) two ems to the left.

(3) Section 428(b)(1) is amended—

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

''(II) if such student is enrolled in a program of undergraduate education that is less than 1 academic year, the maximum annual loan amount that such student may receive may not exceed the lesser of—

''(aa) the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in semester, trimester, quarter, or clock hours bears to 1 academic year; or

''(bb) the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in weeks of instruction bears to 1 academic year;''; and

(B) in subparagraph (Y)(i), by striking ''subparagraph (M)(i)'' and inserting ''subparagraph (M)(i)(I)''.

(4) Section 428(c)(3)(B) (20 U.S.C. 1078(c)(3)(B)) is amended by inserting before the semicolon at the end the following: ''and recorded in the borrower's file, except that such regulations shall not require such agreements to be in writing''.

(5) Section 428C(a)(3)(B) (20 U.S.C. 1078–3(a)(3)(B)) is amended by adding at the end the following new clause:

''(ii) Loans made under this section shall, to the extent used to discharge loans made under this title, be counted against the applicable limitations on aggregate indebtedness contained in section 425(a)(2), 428(b)(1)(B), 428H(d), 455, and 464(a)(2)(B).''.

(6) Section 428H(d)(2)(A)(ii) (20 U.S.C. 1078–8(d)(2)(A)(ii)) is amended to read as follows:

''(ii) if such student is enrolled in a program of undergraduate education that is less than 1 academic year, the maximum annual loan amount that such student may receive may not exceed the lesser of—

''(I) the amount that bears the same ratio to the amount specified in clause (i) as the length of such program measured in semester, trimester, quarter, or clock hours bears to 1 academic year; or

''(II) the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in weeks of instruction bears to 1 academic year;''.

(7) Section 428H(e) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (6).

(8) Section 432(m)(1) (20 U.S.C. 1082(m)(1)) is amended—

(A) in subparagraph (B)—

(i) in clause (i), by inserting ''and'' after the semicolon at the end; and

(ii) in clause (ii), by striking ''; and'' and inserting a period;

(B) by striking clause (iv) of subparagraph (D); and

(C) by adding at the end the following new subparagraph:

''(E) PERFECTION OF SECURITY INTERESTS IN STUDENT LOANS.—

''(i) IN GENERAL.—Notwithstanding the provisions of any State law to the contrary, including the Uniform Commercial Code as in effect in any State, a security interest in loans made under this part, on behalf of any eligible lender (as defined in section 435(d)) shall attach, be perfected, and be assigned priority in the manner provided by the applicable State's law for perfection of security interests in accounts, as such law may be amended from time to time (including applicable transition provisions). If any such State's law provides for a statutory lien to be created in such loans, such statutory lien may be created by the entity or entities governed by such State law in accordance with the applicable statutory provisions that created such a statutory lien.

''(ii) COLLATERAL DESCRIPTION.—In addition to any other method for describing collateral in a legally sufficient manner permitted under the laws of the State, the description of collateral in any financing statement filed pursuant to this section shall be deemed legally sufficient if it lists such loans, or refers to records (identifying such loans) retained by the secured party or any designee of the secured party identified in such financing statement, including the debtor or any loan servicer.

''(iii) SALES.—Notwithstanding clauses (i) and (ii) and any provisions of any State law to the contrary, other than any such State's law providing for creation of a statutory lien, an outright sale of loans made under this part shall be effective and perfected automatically upon attachment as defined in the Uniform Commercial Code of such State.''.

(9) Section 435(a)(5) (20 U.S.C. 1085(a)(5)) is amended—

(A) in subparagraph (A)(i), by striking ''July 1, 2002,'' and inserting ''July 1, 2004,''; and

(B) in subparagraph (B), by striking ''1999, 2000, and 2001'' and inserting ''1999 through 2003''.

(10) Subparagraphs (A) and (F) of section 438(b)(2) (20 U.S.C. 1087–1(b)(2)) are each amended by striking the last sentence.

(11) Section 439(d) (20 U.S.C. 1087–2(d)) is amended by striking paragraph (3).

(e) AMENDMENT TO PART C OF TITLE IV.—Section 443(b)(2)(B) (42 U.S.C. 2753(b)(2)(B)) is amended by inserting ''(including a reasonable amount of time spent in travel or training directly related to such community service)'' after ''community service''.

(f) AMENDMENT TO PART D OF TITLE IV.—Paragraph (6) of section 455(b) (20 U.S.C. 1087e(b)), as redesignated by section 8301(c)(1) of the Transportation Equity for the 21st Century Act (112 Stat. 498) is redesignated as paragraph (8), and is moved to follow paragraph (7) as added by 452(b) of the Higher Education Amendments of 1998 (112 Stat. 1716).

(g) AMENDMENTS TO PART E OF TITLE IV.—

(1) Section 462(g)(1)(E)(i)(I) (20 U.S.C. 1087bb(g)(1)(E)(i)(I)) is amended by inserting ''monthly'' after ''consecutive''.

(2) Section 464(c)(1)(D) (20 U.S.C. 1087dd(c)(1)(D)) is amended by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(3) Section 464(c)(2)(A)(iv) is amended by inserting before the semicolon at the end the following: '', except that interest shall continue to accrue on such loans and such interest shall be eligible for cancellation under section 465''.

(4) Section 464(h) is amended—

(A) in paragraph (1)(A)—

(i) by inserting '', and the loan default has not been reduced to a judgment against the borrower,'' after ''defaulted on the loan''; and

(ii) by inserting after ''held by the Secretary,'' the following: ''or if the borrower of a loan under this part who has defaulted on the loan elects to make a single payment equal to the full amount of principal and interest and collection costs owed on the loan,''; and

(B) by adding at the end the following new paragraph:

''(3) SPECIAL RULE.—At the discretion of the institution or the Secretary, for the purpose of receiving the benefits of this subsection, a loan that is in default and reduced to judgment may be considered rehabilitated if—

''(A) the borrower makes 12 on-time, consecutive, monthly payments of amounts owed on the loan, as determined by the institution, or by the Secretary in the case of a loan held by the Secretary; or

''(B) the borrower makes a single payment equal to the full amount of principal and interest and collection costs owed on the loan.''.

(5)(A) Section 465(a)(2) (20 U.S.C. 1087ee(a)(2)) is amended—

(i) in subparagraph (A), by striking ''section 111(c)'' and inserting ''section 1113(a)(5)'';

(ii) in subparagraph (C), by striking ''With Disabilities'' and inserting ''with Disabilities''; and

(iii) in subparagraph (F), by inserting before the semicolon at the end the following: '', including full-time prosecutors and public defenders earning $30,000 or less in adjusted gross income''.

(B) The amendment made by subparagraph (A)(iii) shall be effective on the date of enactment of this Act, except that such amendment shall not prevent any borrower who, prior to the date of enactment of this Act, was receiving cancellation of indebtedness under section 465(a)(2)(F) of the Higher Education Act of 1965 from continuing to receive such cancellation.

(6) Section 467(b) (20 U.S.C. 1087gg(b)) is amended by striking ''(5)(A), (5)(B)(i), or (6)'' and inserting ''(4)(A), (4)(B), or (5)''.

(7) Section 469(c) (20 U.S.C. 1087ii(c)) is amended—

(A) by striking ''sections 602(a)(1) and 672(1)'' and inserting ''sections 602(3) and 632(5)'';

(B) by striking ''qualified professional provider of early intervention services'' and inserting ''early intervention services''; and

(C) by striking ''section 672(2)'' and inserting ''section 632(4)''.

(h) AMENDMENTS TO PART F OF TITLE IV.—

(1) Section 471 (20 U.S.C. 1087kk) is amended by striking ''subparts 1 or 2'' and inserting ''subpart 1, 2, or 4''.

(2) Section 478(h) (20 U.S.C. 1087rr(h)) is amended—

(A) by striking ''476(b)(4)(B),''; and

(B) by striking ''meals away from home, apparel and upkeep, transportation, and housekeeping services'' and inserting ''food away from home, apparel, transportation, and household furnishings and operations''.

(3)(A) Section 479A(a) (20 U.S.C. 1087tt(a)) is amended by inserting ''a student's status as a ward of the court at any time prior to attaining 18 years of age,'' after ''487,''.

(B) The amendment made by subparagraph (A) shall be effective for academic years beginning on or after July 1, 2001.

(i) AMENDMENTS TO PARTS G AND H OF TITLE IV.—

(1) Section 482(a) (20 U.S.C. 1089(a)) is amended by adding at the end the following new paragraph:

''(5) The Secretary shall provide a period for public comment of not less than 45 days after publication of any notice of proposed rulemaking published after the date of the enactment of the Higher Education Technical Amendments of 2000 affecting programs under this title.''.

(2) Section 483(d) (20 U.S.C. 1090(d)) is amended by striking ''that is authorized under section 685(d)(2)(C)'' and inserting '', or other appropriate provider of technical assistance and information on postsecondary educational services, that is supported under section 685''.

(3) Section 484 (20 U.S.C. 1091) is amended—

(A) in subsection (a)(4), by striking ''certification,,'' and inserting ''certification,'';

(B) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by striking ''section 428A'' and inserting ''section 428H'';

(ii) in subparagraph (A), by inserting ''and'' after the semicolon at the end thereof;

(iii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iv) by striking subparagraph (C);

(C) in subsection (d)(3), by inserting ''certifies that he or she'' after ''The student''; and

(D) in subsection (l)(1)(B)(i), by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998''.

(4)(A) Section 484(r)(1) is amended by inserting after ''controlled substance'' the following: ''during any period of enrollment for which the student was receiving assistance under this title''.

(B) Section 484(r) is further amended—

(i) by redesignating paragraph (3) as paragraph (5); and

(ii) by inserting after paragraph (2) the following new paragraphs:

''(3) CONSEQUENCES OF FAILURE TO ANSWER.—Any student who fails to answer a question of the common financial aid form developed under section 483 that relates to eligibility or ineligibility under this subsection shall be treated as ineligible until such question is answered.

''(4) NOTICE.—The Secretary shall require each institution of higher education that participates in any of the programs under this title to provide each student upon enrollment with a separate, clear, and conspicuous written notice that advises students of the penalties contained in this subsection.''.

(C) The amendments made by this paragraph shall be effective for academic years beginning on or after July 1, 2001.

(5)(A) Section 484B (20 U.S.C. 1091b) is amended—

(i) in subsection (a)(1), by inserting ''subpart 4 of part A or'' after ''received under'';

(ii) in subsection (a)(3)(B)(ii) by inserting ''(as determined in accordance with subsection (d))'' after ''student has completed''; and

(iii) in subsection (b)(2)—

(I) in subparagraph (B)(ii), by striking ''subject to—'' through to the end of such subparagraph and inserting ''subject to the procedures described in subparagraph (C)(ii).''; and

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

''(C) GRANT OVERPAYMENT REQUIREMENTS.—(i) Notwithstanding subparagraphs (A) and (B), but subject to clause (ii), a student shall not be required to return 50 percent of the total grant assistance received by a student under this title for a payment period or period of enrollment. A student shall not be required to return amounts of less than $50.

''(ii) Subject to clause (iii), a student shall be permitted to repay any grant overpayment determined under this section under terms that permit the student to maintain his or her eligibility for further assistance under this title, including a period during which no payment is due from the student—

''(I) for 6 months, beginning on the day the student withdrew; and

''(II) while the student is pursuing at least a half-time course of study, as determined by the institution.

''(iii) Clause (ii) shall not apply to a student who is in default on any repayment obligations under this title, or who has not made satisfactory repayment arrangements with respect to such obligations.''.

(B) The amendments made by subparagraph (A) shall be effective for the academic year beginning July 1, 2001, except that, in the case of an institution of higher education that chooses to implement such amendments prior to that date, such amendments shall be effective on the date of such institution's implementation.

(6) Section 485(a)(1) (20 U.S.C. 1092(a)(1)) is amended by striking ''mailings, and'' and inserting ''mailings, or''.

(7)(A) Section 485(f)(1) (20 U.S.C. 1092(f)(1)) is amended by adding at the end the following new subparagraphs:

''(I) A statement of policy concerning the handling of reports on missing students, including—

''(i) the policy with respect to notification of parents, guardians, and local police agencies and timing of such notification; and

''(ii) the institution's policy for investigating reports on missing students and for cooperating with local police agencies in the investigation of a report of a missing student.

''(J) A statement of policy regarding the availability of information, provided by the State to the institution pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), regarding sexually violent predators required to register under such section. Such statement shall include, at a minimum, the following:

''(i) An assurance that the institution shall make available to the campus community, through its law enforcement unit or other office, all such information concerning any person enrolled or employed at the institution.

''(ii) The means by which students and employees obtain access to such information.

''(iii) The frequency at which such information is updated.

''(iv) The type of information to be made available.

''(K) A description of campus fire safety practices and standards, including—

''(i) information with respect to each campus residence hall and whether or not such hall is equipped with a fire sprinkler system or other fire safety system;

''(ii) statistics concerning the occurrence on campus of fires and false alarms in residence halls, including information on deaths, injuries, and structural damage caused by such occurrences, if any, during the 2 preceding calendar years for which such data are available; and

''(iii) information regarding fire alarms, smoke alarms, fire escape planning or protocols (as defined in local fire codes), rules on portable electrical appliances, smoking and open flames, regular mandatory supervised fire drills, and any planned improvements in fire safety.''.

(B) The amendment made by this paragraph shall be effective for academic years beginning on or after July 1, 2001.

(8) Section 485(f) is further amended—

(A) in paragraph (3), by inserting after the first sentence the following: ''In addition, each such institution shall make periodic reports to the campus community regarding fires and false fire alarms that are reported to a local fire department.'';

(B) in paragraph (5)—

(i) by striking ''paragraph (1)(F)'' and inserting ''subparagraphs (F) and (J) of paragraph (1)'';

(ii) by striking ''and'' at the end of subparagraph (B);

(iii) in subparagraph (C), by striking ''education, identify'' and all that follows through the end and inserting the following: ''education, identify—

''(i) exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime; and

''(ii) fire safety policies, procedures, and practices and disseminate information concerning those policies procedures and practices that have proven effective in the reduction of fires on campus; and''; and

(iv) by adding at the end the following:

''(D) not later than July 1, 2002, prepare and submit a report to Congress containing—

''(i) an analysis of the current status of fire safety systems in college and university facilities, including sprinkler systems;

''(ii) an analysis of the appropriate fire safety standards to apply to these facilities, which the Secretary shall prepare after consultation with such fire safety experts, representatives of institutions of higher education, and Federal agencies as the Secretary, in the Secretary's discretion, considers appropriate;

''(iii) an estimate of the cost of bringing all nonconforming residence halls and other campus buildings into compliance with appropriate building codes; and

''(iv) recommendations concerning the best means of meeting fire safety standards in all college facilities, including recommendations for methods of funding such costs.''; and

(C) in paragraph (12)(A), by inserting before the semicolon at the end the following: ''(other than in dormitories or other residential facilities reported under subparagraph (D))''.

(9) Section 485 is further amended by adding at the end the following new subsection:

''(h) NEW OR REVISED REQUIREMENTS.—For any new requirement for institutional disclosure or reporting under this Act enacted after April 1, 2000, the period for which data must be collected shall begin no sooner than 180 days after the publication of final regulations or guidance. The final regulations or guidance shall include any required data elements or method of collection (or both). The Secretary shall take reasonable and appropriate steps to ensure that institutions have adequate time to collect and prepare the required data before public disclosure or submission to the Secretary.''.

(10) Section 485B(a) (20 U.S.C. 1092b(a)) is amended—

(A) by redesignating the paragraphs following paragraph (5) (as added by section 2008 of Public Law 101–239) as paragraphs (6) through (11), respectively; and

(B) in such paragraph (5)—

(i) by striking ''(22 U.S.C. 2501 et seq.)),'' and inserting ''(22 U.S.C. 2501 et seq.),''; and

(ii) by striking the period at the end thereof and inserting a semicolon.

(11) Section 487(a)(22) (20 U.S.C. 1094(a)(22)) is amended by striking ''refund policy'' and inserting ''refund of title IV funds policy''.

(12) Section 491(c) (20 U.S.C. 1098(c)) is amended by adding at the end the following new paragraph:

''(3) The appointment of members under subparagraphs (A) and (B) of paragraph (1) shall be effective upon publication of the appointment in the Congressional Record.''.

(13) Section 498 (20 U.S.C. 1099c) is amended—

(A) in subsection (b)(5), by striking ''institution,'' and inserting ''institution (but subject to the requirements of section 484(b)),'';

(B) in subsection (c)(2), by striking ''for profit,'' and inserting ''for-profit,''; and

(C) in subsection (d)(1)(B), by inserting ''and'' at the end thereof.

(j) AMENDMENTS TO TITLE V.—

(1) Section 504(a) (20 U.S.C. 1101c(a)) is amended—

(A) by striking ''(1) IN GENERAL.—''; and

(B) by striking paragraph (2).

(2) The amendments made by this subsection shall be effective on the date of enactment of this Act.

(k) AMENDMENT TO TITLE VI.—Section 604(c) (20 U.S.C. 1124(c)) is amended by striking ''this part'' and inserting ''this title''.

(l) AMENDMENTS TO TITLE VII.—

(1) Section 701(a) (20 U.S.C. 1134(a)) is amended by striking the third sentence and inserting the following: ''Funds appropriated for a fiscal year shall be obligated and expended for fellowships under this subpart for use in the academic year beginning after July 1 of such fiscal year.''.

(2) Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(A) by striking ''section 716(a)'' and inserting ''section 715(a)''; and

(B) by striking ''section 714(b)(2)'' and inserting ''section 713(b)(2)''.

(m) AMENDMENT TO TITLE VIII.—Section 857(a) of the Higher Education Amendments of 1998 (112 Stat. 1824) is amended by striking ''1999'' and inserting ''2001''.

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

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4504, as amended.

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

There was no objection.

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

Mr. Speaker, today we are considering the Higher Education Technical Amendments of 2000. Most of you will recall that just over 2 years ago we met here on a bipartisan basis to consider the Higher Education Amendments of 1998. That legislation was subsequently enacted into law on October 7, 1998, and now greatly benefits students by providing the lowest student loan interest rates in almost 20 years, as well as by making needed improvement to important student aid programs like Work-Study, Pell grants and TRIO.

First, I want to express my thanks to the gentleman from Pennsylvania (Chairman GOODLING) for his leadership on that bill and for the years of leadership he has shown on all education matters during his time here in the Congress.

I also want to thank the committee ranking member, the gentleman from Missouri (Mr. CLAY), the former ranking member of the subcommittee, the gentleman from Michigan (Mr. KILDEE), and the current ranking member of the subcommittee, the gentleman from California (Mr. MARTINEZ), for their cooperation in bringing this bill to the floor and for the great work that they have done on the other bills that we have been working on.

These amendments which we crafted together have been a great success, and our continued efforts on this legislation will only improve on those results. The legislation we are considering today makes numerous technical corrections, but it also includes some significant policy changes that we believe are necessary to ensure that the Higher Education Act is implemented in the way we intended.

Although we could not include all the changes on everyone's wish list, we did try to include those improvements that will benefit students and families who are struggling to pay for a college education.

An important change included by the committee impacts the eligibility of historically black colleges and universities to participate in the Federal student aid programs. These institutions play a vital role in providing access to post-secondary education for students who might not otherwise enroll in higher education. In the 1998 amendments, we required some of these institutions to submit plans and implementation strategies that would result in default rate reductions at their institutions. However, we did not provide sufficient time for the affected institutions to take the actions outlined in the default management plans to reduce their cohort default rates. This bill is correcting that mistake.

H.R. 4504 also includes three new provisions all related to campus security. The first provision is based on H.R. 3619, introduced by the gentleman from New Jersey (Mr. ANDREWS), that requires institutions of higher education to have a policy related to the handling of reports on missing students, including the notification of parents, guardians and local police.

The second provision is based on H.R. 4407, introduced by the gentleman from Arizona (Mr. SALMON), which requires institutions to have a policy regarding the availability of information provided by the State under the Violent Crime Control and Law Enforcement Act with respect to registered sexually violent predators.

The third provision was an amendment offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) that requires institutions to include in their annual security report a description of campus fire safety practices and standards. All of these provisions will result in greater awareness of potential security risks on campus, and I, for one, believe that more information is better.

Additionally, this legislation will improve the regulatory process for institutions of higher education and other program participants. We continue to hear reports that the Department does not give the public enough time to comment on or to implement complex student aid regulations. For that reason, we have established minimum time periods for certain activities.

First, the bill requires the Department of Education to allow a minimum of 45 days for comment after the publication of a notice of proposed rule making. Second, it prevents disclosure or reporting requirements from becoming effective for at least 180 days after

final regulations are published. Although some groups would have preferred a longer period of time, the committee believes that these time frames provide a reasonable period of time for action without causing disruptive delays in the regulatory or implementation process.

Most importantly, the bill clarifies and strengthens provisions in the Higher Education Act regarding the return of Federal funds when students withdraw from school. Specifically, it will correct the Department interpretation so that students will never be required to return more than 50 percent of the grant funds they receive. In addition, it will provide students with a limited grace period for repayment to help students who are unable to repay immediately upon their withdrawal and it will set a minimum threshold for grant repayment of $50.

All of these steps will aid students who withdraw from college for emergency or financial reasons. It is our hope that these changes will allow a low-income student to make another attempt to obtain a post-secondary education in the future, which is, of course, what we are trying to do with this whole education process.

This legislation will improve the implementation of the Higher Education Amendments of 1998 which we worked very hard to enact in the last Congress, and I urge every Member of this Congress to support it.

Finally, I would like to thank our Education staff members, Sally Stroup and George Conant on the majority side, and Maryellen Ardouny and Marshall Grigsby on the minority side, for all of the work they have done to make this bill possible at this time.

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

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

Mr. Speaker, I rise in support of the bill, the Higher Education Technical Amendments Act of 2000. In October of 1998, as the chairman has already said, after 2 years of debate and compromise, the Congress passed and the President signed the Higher Education Amendments of 1998.

Among other things, this bipartisan legislation reduced student loan interest rates to the lowest level in 17 years, established the performance-based organization to administer Federal student aid programs, and it authorized programs to help disadvantaged elementary and secondary students graduate from high school and enter college. It authorized new programs to strengthen the quality of the elementary and secondary teaching force, and expanded the loan cancellation for individuals teaching in low-income schools.

However, since its enactment, approximately a year and a half ago, as the chairman said, several technical errors, such as misnumbered paragraphs and incorrect punctuation, have been brought to the attention of the Committee on Education and Workforce.

In addition, it has become apparent as a result of the negotiated rule making process that, in few instances, clarifying language is necessary in order for the 1998 amendments to be implemented as Congress intended. Therefore, today we are considering H.R. 4504, the Higher Education Technical Amendments of 2000.

In addition to renumbering paragraphs and changing colons to semicolons, the bill does a number of things to improve the Higher Education Act and benefit students. For instance, it modifies the Student Support Service Program under TRIO to allow grantees to use funds for college completion grants and requires 33 percent matching funds used for this purpose. It extends the Gear Up grant award period to 6 years to allow grantees to serve a cohort of students beginning in the sixth grade. It allows work-study funds to be used for travel training, and it eliminates the 2-year waiting period Hispanic-serving institutions must observe before applying for another grant under title V, similar to the legislation recently passed by Congress and signed into law to eliminate the wait-out period for tribal colleges and Native Alaskan and Hawaiian institutions.

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Most importantly, it adjusts the title IV refund policy to make it easier for low-income students who are forced to withdraw from school to reenter when their circumstances improve. I believe that the small number of changes in the bill and the very technical nature of most of them are testimony to the outstanding job that the gentleman from California (Mr. MCKEON), the gentleman from Michigan (Mr. KILDEE), and members of the committee did in 1998. I urge my colleagues to support the bill, which will improve the excellent piece of legislation we passed in 1998, and allow the Department and community to continue implementing the Higher Education Act as Congress intended.

In closing, I would like to say thank you to Sally Stroup, George Conant, Marshall Grigsby, and Mary Ellen Sprenkel of our staff for all their hard work on H.R. 4504 and the underlying bill.

I would also like to take a moment to express my deepest sympathy for John Oberg, special assistant of higher education at the Department of Education. John, who has done an outstanding job of representing the administration on issues concerning higher education for the past 6 years, lost his wife last week in a car accident.

John, our thoughts are with you during this very difficult time.

Once again, I urge Members to support this resolution.

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

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI), a staunch member of the committee.

Mr. PETRI. Mr. Speaker, I would like to thank the gentleman from California (Mr. MCKEON) for allowing me the opportunity to speak in support of this bill.

Mr. Speaker, we are here today to consider the Higher Education Technical Amendments of 2000. As most will recall, about 2 years ago we enacted on a bipartisan basis the Higher Education Amendments of 1998. Millions of students have since benefited from our efforts, and the minimal number of technical amendments that we are considering today is testimony to the fact that the bill was well written.

The legislation we are considering today makes necessary technical changes, as well as a few policy changes, that the members of the Committee on Education and the Workforce believe are necessary to implement the act as intended. In writing this legislation, the members, with the guidance of our chairman, have worked to ensure that the bill is bipartisan; that it will benefit students; and that it will be signed into law.

One notable benefit to students is the way this bill improves the Perkins loan program. It modifies the loan rehabilitation programs to provide the benefits of loan rehabilitation to a borrower with a defaulted loan who pays his or her loan in full with a single payment if the defaulted loan has not been reduced to judgment.

It also clarifies that loans in deferment for a student who performs a service resulting in loan cancellation is reimbursed for interest and not just for principal. Additionally, this legislation improves the regulatory process for schools and other program participants. This is important because the committee continues to hear reports that the Department does not give the public enough time to comment on or to implement complex student aid regulations.

To address this, the bill requires the Department of Education to allow a minimum of 45 days for comment after the publication of a notice of proposed rulemaking. It also prevents disclosure or reporting requirements from becoming effective for at least 180 days after final regulations are published.

Another significant element of this bill is the change to the return of Federal funds provision to help students who withdraw before the end of a term. It corrects the Department's interpretation and clarifies that students are never required to return more than 50 percent of the grant funds that they receive. However, considering that we in Congress have worked hard to help our Nation's students meet some of their needs in order to attend the college or university, I for one would hate to see us being taken advantage of, or the taxpayer being taken advantage of. It is theoretically possible for a person to get a Pell grant to enroll in a low-cost local program with the full intention of

dropping out almost immediately and pocketing half of the grant money.

One thing I have learned in my years in Congress is that if there is a theoretical way for people to take advantage of the Federal Government, some people will find it and will do it. To address this concern, I intend to ask the General Accounting Office to conduct a study to determine whether or not this is a significant problem.

Again, I would like to thank the gentleman from California (Mr. MCKEON) for allowing me to speak in support of the bill before us, and I urge all of my colleagues to vote in favor of the legislation.

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

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER), a strong member of the committee.

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

Mr. SOUDER. Mr. Speaker, I thank the gentleman from California (Mr. MCKEON) for his excellent leadership in the higher Committee on Education and the Workforce and also our distinguished ranking member for his years of work in this committee as well.

Mr. Speaker, I rise today to talk about two clarifications and one addition to the Higher Education Technical Amendments to the so-called Souder amendment to the Higher Education Act. This amendment probably has caused more controversy on our college campuses than all but few things in the Higher Education Act, and this is an attempt to clarify some things that I believe were misunderstood or had implementation problems at the Department of Education.

First, let me thank former Congressman Gerald Solomon. For years he led this effort to hold students accountable for drug use if they were going to use taxpayer money to fund a student loan. What my amendment attempted to do was a very simple process and that said, if one abuses drugs, that is if they are convicted, not alleged but if they are convicted of using drugs or dealing drugs, they would lose their student loan for one year.

If they went through drug treatment and took a drug test and passed it twice, they could get back even within that year. Our goal was not to get kids tossed out of college. Our goal was to get kids off drugs. If it happened twice, they lost their subsidized student loan for two years. If it happened three times, they are out. For drug dealing it was one and two.

Now this caused a big rhubarb. The question was, is this punishing people who have already been punished once? As if our courts actually do more than slap on the wrist. But besides that, the question is not punishment; the question is treatment. How do we move to prevention, and how do we get those who are abusing drugs on to treatment and to help them with their problem?

There is also the question as taxpayers, is why should we be underwriting students who are abusing and convicted of drug use in college? In my five trips to Colombia, I have looked and listened to leaders in Colombia, leaders in Mexico. I have heard people back home and around the country say there is only so much we can do about interdiction. What is being done in America about the drug problem?

This is an effort to actually do prevention and to hold people accountable.

Now there were a couple of problems in implementation that occurred in the Higher Education Act. One, there was limited pre-testing of the question. Secondly, the poorly framed question caused tremendous confusion in incoming freshmen and others in 1999. Hundreds of thousands of students left the question blank, which would have stopped the system to enforce it and yet they cannot have questions left blank. There was also no auditing. There was no checking of those who said that they had not been convicted of a drug crime, or who left it blank, which is irresponsible enforcement. It is basically a toothless bill without that.

Now there was a misunderstanding as well. All the way through the whole debate, I never said anything differently than what I said today, which is that if one is going to take a student subsidized loan they should be held accountable. Yet for some unusual reason, and I am not faulting them for doing it because it was their decision to do so, the Clinton administration interpreted this to mean that anybody prior to going into college who had been convicted once, twice, or three times of a drug crime was, therefore, either in violation of either clause one, clause two or clause three, which meant that many teenagers around the country who had been convicted of a drug crime all of a sudden were either being suspended for 1 year, 2 years or out on drug loans.

It meant people that were coming back in mid-life or adulthood all of a sudden were not eligible, theoretically, at least for student loans. There was nowhere in any record that suggested that any of us were advocating a reachback provision. The language was very explicit, I believed, which is if one takes taxpayer dollars, then they are expected to behave legally.

Now, what we need to do is to try to reach to those students who often are young people or middle-aged people who are coming back, who have had a tough time in life, who have been convicted of a drug crime, and now they want to go to college. The goal here is not to punish them.

I am a big supporter of GEAR UP, where we have technical amendments in this bill related to GEAR UP, and there is an unfortunate amendment later in the Labor HHS bill that would strike some of the clauses in GEAR UP which I oppose because I believe it is important to reach out to low-income students. We also need to have accountability.

What these amendments do are, one, first off one is only covered when they receive the loan and they are accepted into a university, or coming back after an absence. In other words, there is a short period of time while one is not in school, where they would be covered.

Also, if it is a continuous process, presumably one would be covered. In other words, if one took the January semester break off or a summer break; but they are in a continuous flow of college, they would be held accountable in that period. But the goal here is not if one drops out for 5 years to cover that period or to cover their whole years in high school.

The goal is while one is clearly going to college and has been approved for a student loan.

Secondly, we have made it clear now that we have had our trial run. If one leaves this blank, they will not get a loan until they fill out that question.

Now, a third part that the gentleman from California (Mr. GARY MILLER) added, which I think was a very wise additional amendment, was to make sure that all students understand that it is clear to the information to the Department of Education that if one is convicted of a drug crime, they cannot get a student loan, or they will be kicked off of a student loan.

Now lastly, we had some discussions with the Department of Education. I want to make it clear that we did not put some amendments in because I believe they are moving ahead on this. One is to get the question better drafted. I am encouraged, but that question should be pre-tested better than they have pre-tested it in the past because as a parent whose kids have gone through college, the forms are very confusing; and it is very important if they are going to be held accountable to have that question clear.

Secondly, an auditing process, because without an auditing process this amendment is toothless. If we are going to attack the drug problem in this country and hold people accountable and help kids get into treatment and get their lives straightened around, there has to be an auditing and accountability process. We are either serious about the drug problem or we are not.

We need to make sure that we do not just focus on interdiction, which I believe is important, or border control, which I believe is important, or legal accountability, which I believe is important, but to have real prevention and treatment programs; and these amendments will help this become an even better process and hopefully help many students in this country understand that this problem is real.

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

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

Mr. Speaker, I would like to make just a couple more comments. In addition to the committee staff that I

thanked earlier, I would like to thank my legislative director, Karen Weiss, for all of the work that she has done on this bill. This may be the last time that we stand as a subcommittee on the floor with legislation during this Congress; and if so, I want to again thank the gentleman from California (Mr. MARTINEZ), the ranking member of this committee. He has been a joy to work with. He really has the people of this country at heart. He has served a lot of time in this Congress and done an excellent job, and I just want to let him know that I appreciate greatly the ability that he has brought to this Congress and the opportunity that we have had to work together.

Mr. GOODLING. Mr. Speaker, we are here today to consider the Higher Education Technical Amendments of 2000. Many of my colleagues will remember that in the last Congress we enacted the Higher Education Amendments of 1998 on a bipartisan basis. That bill was one of the most important pieces of legislation we considered for students and their parents. I want to thank Chairman MCKEON again for his leadership on that bill. Throughout that process he kept members focused on our goal of improving our student financial aid system. Millions of students have since benefited from our efforts, and the minimal number of technical amendments that we are considering today is testimony to the fact that the bill was well crafted.

The Department of Education has issued a majority of the final regulations implementing the 1998 amendments. In most cases our intent was followed, but in a few important instances, it was not.

For example, I feel very strongly that the department is not following our intent with respect to direct loan origination fees. The 1998 amendments were designed to provide students with the best possible deal under very tight budget constraints, and I believe we succeeded in doing that. However, the law uses the word ''shall'' and it is very clear in directing the Secretary to collect a four percent origination fee on direct student loans. This is confirmed in legal opinions from the Congressional Research Service and the Comptroller General. It was not our intent to change that, and in my view the department's decision to arbitrarily interpret ''shall'' to mean ''may'' sets a very dangerous precedent. The fact that this legislation does not address this issue should not be taken as an endorsement of the department's actions.

The legislation before us today does make a needed change to the ''return of federal funds'' provisions in the Higher Education Act to help students who withdraw before the end of a term. By correcting the department's mistaken interpretation, we will ensure that no student is required to return more than 50 percent of the grant funds he or she received. I know there are those who would like us to go further. However, doing so would increase mandatory spending, and in many instances, would result in students leaving school with increased student loan debt, which I cannot support.

H.R. 4505 includes three new provisions all related to campus security. The first provision is based on H.R. 3619, introduced by Representative ANDREWS of New Jersey, and requires institutions of higher education to have a policy related to the handling of reports on missing students, including the notification of parents, guardians and local police.

The second provision is based on H.R. 4407 introduced by Representative SALMON of Arizona, It requires institutions to have a policy regarding the availability of information provided by the state under the Violent Crime Control and Law Enforcement Act with respect to registered sexually violent predators.

The third provision was an amendment offered by Representative ROUKEMA of New Jersey that requires institutions to include in their annual security report a description of campus fire safety practices and standards.

All of these provisions will result in greater awareness of potential security risks on campus, and I, for one, believe that more information is better.

Finally, I want to thank Mr. CLAY and Mr. MARTINEZ for their efforts in crafting this bipartisan legislation. This bill will not satisfy everyone completely. But it does make necessary technical and policy changes that will improve the implementation of the Higher Education Amendments of 1998, and it does so in a way that will benefit students.

I urge my colleagues to support this legislation.

Mr. SALMON. Mr. Speaker, I thank Chairman GOODLING and Chairman MCKEON and their staffs for all of their hard work on the Campus Protection Act, which will close a loophole in federal law that restricts the ability of colleges and universities to notify students of the presence of convicted sex offenders on campus. I am thrilled that the campus security legislation has been incorporated into H.R. 4504, the Higher Education Technical Amendments Act of 2000.

What peaked my interest in this matter was a column Tamara Deitrich wrote for the East Valley Tribune on a sex offender roaming the campus of Arizona State University (ASU), which is located in my District. The sex offender secured a work furlough to study and do research at ASU, where about 23,000 young women attend classes. Campus law enforcement officials at ASU expressed concern that Federal law hampered their ability to adequately warn students about this threat. To me, it's unconscionable that women on campuses do not receive notification when a rapist or sex offender is enrolled.

S. Daniel Carter of Security on Campus, an expert in campus security matters, carefully evaluated the Campus Protection Act. The following is an excerpt from his letter:

For too long colleges and universities have used the Family Educational Rights and Privacy Act (20 USC Section 1232g) to withhold public safety information from their students and employees that any other citizen would be able to get freely. This is a situation that denies them equal protection under the law and unnecessarily puts their lives and safety at risk. The addition of a requirement to the campus security section of the Higher Education Act of 1965 that schools publicly disclose information about registered sex offenders who are either enrolled or employed by the institution should ensure that FERPA is not misinterpreted to preclude the release of this critically important information. The language included in H.R. 4504 is designed to clarify this point . . .

I thank S. Daniel Carter for his contribution to this effort and am delighted that the founders of his organization and the family most responsible for the original campus security law—the Clery's—endorse the Campus Protection Act.

The Campus Protection Act adds a new section to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to clarify that sex offender information of all enrolled students and employees not only can be released, but when received, must be released. This will ensure that the same information about sex offenders available to other state citizens is available to college students. Additionally, the Act sensibly provides that universities develop a policy statement regarding the availability of this information as part of their annual crime statistics report.

Without a clear statement that schools are obligated to release this information, questions will remain about the legality of releasing sex offender information. Schools that withhold information because of this uncertainty unnecessarily put their students at risk.

Under the Campus Protection Act, colleges are only obligated to report information the state provides. This is not an undue burden or mandate, but authority that most campus security offices, such as the ASU unit, will welcome. The colleges maintain full discretion on how to disclose sex offender information.

The Campus Protection Act will aid campus law enforcement agencies and, more importantly, increase campus safety. In her letter endorsing the bill, Detective Sally Miller of the Santa Rose Junior College District Police Department writes: ''I wish to indicate my full support of [your bill] which provides direction and legal tools for college and university law enforcement agencies to educate and inform our communities about sexual predators currently hidden within our communities. These amendments . . . are vitally important to allow college and university police departments to adequately provide for the safety of our students and staff from sexual predators.''

Passage of H.R. 4504 will close the sex offender campus loophole once and for all and I urge my colleagues to support it.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 4504 , as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANCE OF STRONG MARRIAGES FOR A STRONG SOCIETY

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 280) recognizing the importance of strong marriages and the contributions that community marriage policies have made to the strength of marriages throughout the United States, as amended.

The Clerk read as follows:

H. RES. 280

Whereas one of every two marriages ends in divorce;