

George W. Bush Presidential Library

Collection: Executive Clerk, Office of the

Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 01/15/2002 [S. 1793] [1]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Draft	STATEMENT BY THE PRESIDENT	1	01/08/2002	P5;
002	Statement	STATEMENT BY THE PRESIDENT	1	N.D.	P5;
003	Letter	[Letter on S. 1793] - To: Honorable Mitch Daniels, Jr. - From: Rod Paige	1	12/21/2001	P5;
004	Letter	[Letter on S. 1793] - To: Honorable Mitch Daniels, Jr. - From: Rod Paige	1	12/21/2001	P5;
005	Memorandum	S. 1793 - Higher Education Relief Opportunities for Students Act of 2001 - To: Harriet Miers - From: Jonathan Burks	1	01/08/2002	P5;

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01/15/2002 [S. 1793] [1]

FRC ID:

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

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THE PRESIDENT HAS SEEN
1-15-02

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 7, 2002

02 JAN 7 PM 10:25

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1793 - Higher Education Relief Opportunities for Students Act
of 2001
Sponsors - Sen. Collins (R) ME and 17 cosponsors

Last Day for Action

January 15, 2002 - Tuesday

Purpose

Permits the Secretary of Education to waive or modify Federal student financial assistance program requirements to assist individuals or academic institutions affected by the national emergency declared by the President on September 14, 2001, or subsequent emergencies caused by a terrorist attack.

Agency Recommendations

Office of Management and Budget

Approval

Department of Education

Approval

Department of Defense

Approval (Informally)

Department of Veterans Affairs

Approval (Informally)

Department of Justice

No objection (Informally)

Department of the Treasury

No objection (Informally)

Discussion

Student Loan Program Waiver Authority. S. 1793 would authorize the Secretary of Education (ED) to waive or modify any statutory or regulatory provision applicable to student loan programs under the Higher Education Act of 1965 as he or she deems necessary in connection with a national emergency caused by a terrorist attack. According to remarks made during House floor debate on S. 1793, the legislation is intended in part to allow student loan payments to be deferred for certain individuals affected by the September 11th attacks.

Waivers would be authorized to ensure that "affected" student loan borrowers are not placed in a "worse position" because of a terrorist attack. "Affected" individuals include those who: (1) are serving on active duty or National Guard duty during the national emergency; (2) reside in or are employed in an area that is declared a disaster area in connection with the national emergency; or (3) suffer direct economic hardship as a direct result of the national emergency. The waivers would apply to members of a Reserve of an Armed Force ordered to active duty as well as retired military personnel who are recalled, regardless of the location at which the active duty service is performed.

The bill also would authorize waivers to minimize administrative requirements placed on such borrowers, "without impairing the integrity of the student loan programs," in order to ease the burden on such borrowers and to avoid technical violations or loan defaults. The Secretary also would be authorized to modify certain income eligibility definitions used in determining student financial aid in order to reflect more accurately the financial condition of those individuals affected by the terrorist attacks.

The bill also would authorize the Secretary of ED to grant temporary relief from certain administrative requirements to institutions of higher education, lenders, and guaranty agencies involved in student assistance programs that are located in, or whose operations are directly affected by, areas declared disaster areas by any Federal, State, or local official in connection with the national emergency.

The authority under S. 1793 would expire on September 30, 2003.

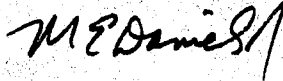
Federal Register and Reporting Requirements. ED would be required to publish in the Federal Register notice of any statutory or regulatory waiver or modification authorized under S. 1793. The notice must include: (1) the terms and conditions to be applied in lieu of the waived or modified provisions; and (2) examples of measures that educational institutions may take to adjust financial need and aid eligibility determinations. ED would be required to report to Congress, within 15 months of first exercising any waiver or modification authority authorized by the enrolled bill, on the impact of such waivers on the affected individuals or student aid programs. That report must include the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

Sense of Congress on Tuition Refunds. The enrolled bill expresses the "sense of Congress" that all institutions offering post-secondary education should provide a full refund or credit to students who are members of the Armed Forces serving on active duty during a national emergency caused by a terrorist attack for the portion of instruction that the student was unable to complete.

Conclusion and Recommendations

ED strongly recommends approval of S. 1793 because it will help "send the important message that this Nation will not abide terrorism." The Department notes that similar waiver authority was enacted in response to Operation Desert Storm in 1991.

We join ED in recommending approval of S. 1793, which passed the Senate by unanimous consent and the House by voice vote.

A handwritten signature in black ink, appearing to read "M E Daniels Jr", written in a cursive, stylized script.

Mitchell E. Daniels, Jr.
Director

Enclosures

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1-15-02



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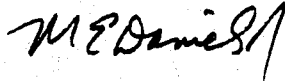
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Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 01-08-02 ACTION / CONCURRENCE / COMMENT DUE BY: 01-09-02 10:00 AM

SIGNING STATEMENT -- S.1793 HIGHER EDUCATION RELIEF OPPORTUNITIES
 Subject: FOR STUDENTS ACT OF 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☐	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please forward comments directly to the Staff Secretary no later than NOON, Wednesday, January 9, 2001, with a cc to Jim Jukes. The Signing Statement needs to be read in conjunction with the Enrolled Bill Memo. Thank you.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

Withdrawal Marker

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One Hundred Seventh Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Relief Opportunities for Students Act of 2001".

SEC. 2. WAIVER AUTHORITY FOR RESPONSE TO NATIONAL EMERGENCY.

(a) WAIVERS AND MODIFICATIONS.—

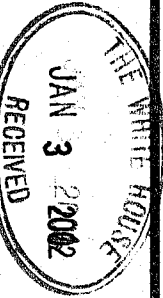
(1) IN GENERAL.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this Act as the "Secretary") may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) as the Secretary deems necessary in connection with the national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) borrowers of Federal student loans who are affected individuals are not placed in a worse position financially in relation to those loans because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are borrowers of Federal student loans are minimized, to the extent possible without impairing the integrity of the student loan programs, to ease the burden on such borrowers and avoid inadvertent, technical violations or defaults;

(C) the calculation of "annual adjusted family income" and "available income", as used in the determination of need for student financial assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more



S. 1793—4

(6) SERVING ON NATIONAL GUARD DUTY DURING THE NATIONAL EMERGENCY.—The term “serving on National Guard duty during the national emergency” shall include performing training or other duty authorized by section 502(f) of title 32, United States Code, as a member of the National Guard, at the request of the President, for or in support of an operation during the national emergency.

SEC. 6. TERMINATION OF AUTHORITY.

The provisions of this Act shall cease to be effective on September 30, 2003.

Tom Davis

Speaker of the House of Representatives *pro tempore*.

Robert D. Byrd

Vice President of the United States and
President of the Senate

pro tempore

APPROVED
JAN 15 2002.

Bill Clinton

OFFICE OF THE EXECUTIVE CLERK
TRACKING SHEET FOR PRESIDENTIAL DOCUMENTS

TITLE: S. 1793 - the Higher Education Relief Opportunities for Students Act LDA

1/15/02

TYPE DOCUMENT:

PROCLAMATION

LETTER(S)

EXECUTIVE ORDER

MESSAGE TO THE CONGRESS/SENATE

MEMORANDUM

STATEMENT BY THE PRESIDENT

DECISION MEMORANDUM

SIGNING STATEMENT

DETERMINATION (numbered)

TREATY/CONVENTION/AGREEMENT, etc.

OTHER: _____

RECEIVED: (Advance: 1/8/02 Time: _____ a.m./p.m.)
In final: / /02 Time: _____ a.m./p.m.)

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:

(Advance: 1/9/02 Time: 8 0 a.m./p.m.)
In final: / /02 Time: _____ a.m./p.m.)

TO HARRIET MIERS' OFFICE:

(For staffing: / /02 Time: _____ a.m./p.m.)
In final: / /02 Time: _____ a.m./p.m.)

*INFO, INCLUDING STENCIL AND DISC, TO PRESS OFFICE:

Date: / /02 Time: _____ a.m./p.m.
POSTED: / /02 Time: _____ a.m./p.m.)

NOTIFICATIONS:

(Person/time) NSC (#____), when appropriate -- Desk Officer;
W.H. Situation Room -- x6-9425.

(Person/time) Ginger Gregory, x6-2230, Legislative Affairs
(for messages to the Congress)

(Person/time) (Other)

(Person/time) (Other)

OTHER INFORMATION:

1/15/02: Carol checking on Statement ???
No?

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PM

S. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF
Subject: 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>see comments</i>	☒	☐	HUBBARD <i>N/C</i>	☒	☐
CARD <i>ok</i>	☒	☐	HUGHES <i>ok</i>	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN <i>n/c</i>	☒	☐	JOHNSON	☐	☐
CALIO <i>ok</i>	☒	☐	LINDSEY <i>ok</i>	☒	☐
CONNAUGHTON	☐	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☒	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE <i>N/C</i>	☒	☐
GONZALES <i>n/c</i>	☒	☐	SPELLINGS <i>ok</i>	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND REMARKS TO STAFF SECRETARY, EXT. 62702, FAX 62215, NO LATER THAN 4:00 PM TUESDAY, 1-8-02. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 7, 2002

02 JAN 7 10:25

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1793 - Higher Education Relief Opportunities for Students Act
of 2001
Sponsors - Sen. Collins (R) ME and 17 cosponsors

Last Day for Action

January 15, 2002 - Tuesday

Purpose

Permits the Secretary of Education to waive or modify Federal student financial assistance program requirements to assist individuals or academic institutions affected by the national emergency declared by the President on September 14, 2001, or subsequent emergencies caused by a terrorist attack.

Agency Recommendations

Office of Management and Budget

Approval

Department of Education

Approval

Department of Defense

Approval (Informally)

Department of Veterans Affairs

Approval (Informally)

Department of Justice

No objection (Informally)

Department of the Treasury

No objection (Informally)

Discussion

Student Loan Program Waiver Authority. S. 1793 would authorize the Secretary of Education (ED) to waive or modify any statutory or regulatory provision applicable to student loan programs under the Higher Education Act of 1965 as he or she deems necessary in connection with a national emergency caused by a terrorist attack. According to remarks made during House floor debate on S. 1793, the legislation is intended in part to allow student loan payments to be deferred for certain individuals affected by the September 11th attacks.

Waivers would be authorized to ensure that "affected" student loan borrowers are not placed in a "worse position" because of a terrorist attack. "Affected" individuals include those who: (1) are serving on active duty or National Guard duty during the national emergency; (2) reside in or are employed in an area that is declared a disaster area in connection with the national emergency; or (3) suffer direct economic hardship as a direct result of the national emergency. The waivers would apply to members of a Reserve of an Armed Force ordered to active duty as well as retired military personnel who are recalled, regardless of the location at which the active duty service is performed.

The bill also would authorize waivers to minimize administrative requirements placed on such borrowers, "without impairing the integrity of the student loan programs," in order to ease the burden on such borrowers and to avoid technical violations or loan defaults. The Secretary also would be authorized to modify certain income eligibility definitions used in determining student financial aid in order to reflect more accurately the financial condition of those individuals affected by the terrorist attacks.

The bill also would authorize the Secretary of ED to grant temporary relief from certain administrative requirements to institutions of higher education, lenders, and guaranty agencies involved in student assistance programs that are located in, or whose operations are directly affected by, areas declared disaster areas by any Federal, State, or local official in connection with the national emergency.

The authority under S. 1793 would expire on September 30, 2003.

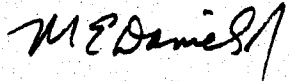
Federal Register and Reporting Requirements. ED would be required to publish in the Federal Register notice of any statutory or regulatory waiver or modification authorized under S. 1793. The notice must include: (1) the terms and conditions to be applied in lieu of the waived or modified provisions; and (2) examples of measures that educational institutions may take to adjust financial need and aid eligibility determinations. ED would be required to report to Congress, within 15 months of first exercising any waiver or modification authority authorized by the enrolled bill, on the impact of such waivers on the affected individuals or student aid programs. That report must include the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

Sense of Congress on Tuition Refunds. The enrolled bill expresses the "sense of Congress" that all institutions offering post-secondary education should provide a full refund or credit to students who are members of the Armed Forces serving on active duty during a national emergency caused by a terrorist attack for the portion of instruction that the student was unable to complete.

Conclusion and Recommendations

ED strongly recommends approval of S. 1793 because it will help "send the important message that this Nation will not abide terrorism." The Department notes that similar waiver authority was enacted in response to Operation Desert Storm in 1991.

We join ED in recommending approval of S. 1793, which passed the Senate by unanimous consent and the House by voice vote.

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Mitchell E. Daniels, Jr.
Director

Enclosures

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on S. 1793] - To: Honorable Mitch Daniels, Jr. - From: Rod Paige	1	12/21/2001	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/15/2002 [S. 1793] [1]

FRC ID:

782

FOIA IDs and Segments:

OA Num.:

733

NARA Num.:

1459

RESTRICTION CODES

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- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

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One Hundred Seventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Relief Opportunities for Students Act of 2001".

SEC. 2. WAIVER AUTHORITY FOR RESPONSE TO NATIONAL EMERGENCY.

(a) WAIVERS AND MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this Act as the "Secretary") may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) as the Secretary deems necessary in connection with the national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) borrowers of Federal student loans who are affected individuals are not placed in a worse position financially in relation to those loans because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are borrowers of Federal student loans are minimized, to the extent possible without impairing the integrity of the student loan programs, to ease the burden on such borrowers and avoid inadvertent, technical violations or defaults;

(C) the calculation of "annual adjusted family income" and "available income", as used in the determination of need for student financial assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more

accurately the financial condition of such affected individual and his or her family; and

(D) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) that are located in, or whose operations are directly affected by, areas that are declared disaster areas by any Federal, State, or local official in connection with the national emergency may be granted temporary relief from requirements that are rendered infeasible or unreasonable by the national emergency, including due diligence requirements and reporting deadlines.

(b) NOTICE OF WAIVERS OR MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) TERMS AND CONDITIONS.—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) CASE-BY-CASE BASIS.—The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) IMPACT REPORT.—The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a) on affected individuals and the programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and the basis for such determination, and include in such report the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

(d) NO DELAY IN WAIVERS AND MODIFICATIONS.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the waivers and modifications authorized or required by this Act.

SEC. 3. TUITION REFUNDS OR CREDITS FOR MEMBERS OF ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all institutions offering postsecondary education should provide a full refund to students who are members of the Armed Forces serving on active duty during the national emergency, for that portion of a period of instruction such student was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for such service; and

(2) if affected individuals withdraw from a course of study as a result of such service, such institutions should make every effort to minimize deferral of enrollment or reapplication

requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

(b) **DEFINITION OF FULL REFUND.**—For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

SEC. 4. USE OF PROFESSIONAL JUDGMENT.

At the time of publishing any waivers or modifications pursuant to section 2(b), the Secretary shall publish examples of measures that institutions may take in the appropriate exercise of discretion under section 479A of the Higher Education Act of 1965 (20 U.S.C. 1087tt) to adjust financial need and aid eligibility determinations for affected individuals.

SEC. 5. DEFINITIONS.

In this Act:

(1) **ACTIVE DUTY.**—The term “active duty” has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

(2) **AFFECTED INDIVIDUAL.**—The term “affected individual” means an individual who—

(A) is serving on active duty during the national emergency;

(B) is serving on National Guard duty during the national emergency;

(C) resides or is employed in an area that is declared a disaster area by any Federal, State, or local official in connection with the national emergency; or

(D) suffered direct economic hardship as a direct result of the national emergency, as determined under a waiver or modification issued under this Act.

(3) **FEDERAL STUDENT LOAN.**—The term “Federal student loan” means a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 20 U.S.C. 1087a et seq., and 20 U.S.C. 1087aa et seq.).

(4) **NATIONAL EMERGENCY.**—The term “national emergency” means the national emergency by reason of certain terrorist attacks declared by the President on September 14, 2001, or subsequent national emergencies declared by the President by reason of terrorist attacks.

(5) **SERVING ON ACTIVE DUTY DURING THE NATIONAL EMERGENCY.**—The term “serving on active duty during the national emergency” shall include service by an individual who is—

(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with such emergency or subsequent actions or conditions, regardless of the location at which such active duty service is performed; and

(B) any other member of an Armed Force on active duty in connection with such emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

(6) SERVING ON NATIONAL GUARD DUTY DURING THE NATIONAL EMERGENCY.—The term “serving on National Guard duty during the national emergency” shall include performing training or other duty authorized by section 502(f) of title 32, United States Code, as a member of the National Guard, at the request of the President, for or in support of an operation during the national emergency.

SEC. 6. TERMINATION OF AUTHORITY.

The provisions of this Act shall cease to be effective on September 30, 2003.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 7, 2002

02 JAN 7 PM 10:25

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1793 - Higher Education Relief Opportunities for Students Act
of 2001
Sponsors - Sen. Collins (R) ME and 17 cosponsors

Last Day for Action

January 15, 2002 - Tuesday

Purpose

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Agency Recommendations

Office of Management and Budget

Approval

Department of Education

Approval

Department of Defense

Approval (Informally)

Department of Veterans Affairs

Approval (Informally)

Department of Justice

No objection (Informally)

Department of the Treasury

No objection (Informally)

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Student Loan Program Waiver Authority. S. 1793 would authorize the Secretary of Education (ED) to waive or modify any statutory or regulatory provision applicable to student loan programs under the Higher Education Act of 1965 as he or she deems necessary in connection with a national emergency caused by a terrorist attack. According to remarks made during House floor debate on S. 1793, the legislation is intended in part to allow student loan payments to be deferred for certain individuals affected by the September 11th attacks.

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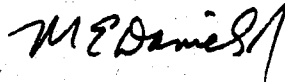
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We join ED in recommending approval of S. 1793, which passed the Senate by unanimous consent and the House by voice vote.

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Mitchell E. Daniels, Jr.
Director

Enclosures

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Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	STATEMENT BY THE PRESIDENT	1	01/08/2002	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/15/2002 [S. 1793] [1]

FRC ID:

782

FOIA IDs and Segments:

OA Num.:

733

NARA Num.:

1459

RESTRICTION CODES

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 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1491
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 CONNECTION ID
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 RESULT OK

SS/ RM NO. 505298

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PM

S. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF
 Subject: 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
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GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND REMARKS TO STAFF SECRETARY, EXT. 62702, FAX 62215, NO LATER THAN
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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 7, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1793 - Higher Education Relief Opportunities for Students Act
of 2001
Sponsors - Sen. Collins (R) ME and 17 cosponsors

Last Day for Action

January 15, 2002 - Tuesday

Purpose

Permits the Secretary of Education to waive or modify Federal student financial assistance program requirements to assist individuals or academic institutions affected by the national emergency declared by the President on September 14, 2001, or subsequent emergencies caused by a terrorist attack.

Agency Recommendations

Office of Management and Budget	Approval
Department of Education	Approval
Department of Defense	Approval (Informally)
Department of Veterans Affairs	Approval (Informally)
Department of Justice	No objection (Informally)
Department of the Treasury	No objection (Informally)

Discussion

Student Loan Program Waiver Authority. S. 1793 would authorize the Secretary of Education (ED) to waive or modify any statutory or regulatory provision applicable to student loan programs under the Higher Education Act of 1965 as he or she deems necessary in connection with a national emergency caused by a terrorist attack. According to remarks made during House floor debate on S. 1793, the legislation is intended in part to allow student loan payments to be deferred for certain individuals affected by the September 11th attacks.

Waivers would be authorized to ensure that "affected" student loan borrowers are not placed in a "worse position" because of a terrorist attack. "Affected" individuals include those who: (1) are serving on active duty or National Guard duty during the national emergency; (2) reside in or are employed in an area that is declared a disaster area in connection with the national emergency; or (3) suffer direct economic hardship as a direct result of the national emergency. The waivers would apply to members of a Reserve of an Armed Force ordered to active duty as well as retired military personnel who are recalled, regardless of the location at which the active duty service is performed.

The bill also would authorize waivers to minimize administrative requirements placed on such borrowers, "without impairing the integrity of the student loan programs," in order to ease the burden on such borrowers and to avoid technical violations or loan defaults. The Secretary also would be authorized to modify certain income eligibility definitions used in determining student financial aid in order to reflect more accurately the financial condition of those individuals affected by the terrorist attacks.

The bill also would authorize the Secretary of ED to grant temporary relief from certain administrative requirements to institutions of higher education, lenders, and guaranty agencies involved in student assistance programs that are located in, or whose operations are directly affected by, areas declared disaster areas by any Federal, State, or local official in connection with the national emergency.

The authority under S. 1793 would expire on September 30, 2003.

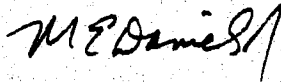
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Sense of Congress on Tuition Refunds. The enrolled bill expresses the "sense of Congress" that all institutions offering post-secondary education should provide a full refund or credit to students who are members of the Armed Forces serving on active duty during a national emergency caused by a terrorist attack for the portion of instruction that the student was unable to complete.

Conclusion and Recommendations

ED strongly recommends approval of S. 1793 because it will help "send the important message that this Nation will not abide terrorism." The Department notes that similar waiver authority was enacted in response to Operation Desert Storm in 1991.

We join ED in recommending approval of S. 1793, which passed the Senate by unanimous consent and the House by voice vote.



Mitchell E. Daniels, Jr.
Director

Enclosures

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on S. 1793] - To: Honorable Mitch Daniels, Jr. - From: Rod Paige	1	12/21/2001	P5;

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Saunders, G. Timothy (Tim) - Bill Files

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01/15/2002 [S. 1793] [1]

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TRANSMISSION OK

TX/RX NO 1490
 CONNECTION TEL 51005
 CONNECTION ID
 ST. TIME 01/08 01:16
 USAGE T 02'11
 PGS. SENT 5
 RESULT OK

SS/ RM NO. 505298

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PM

S. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF
 Subject: 2001

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GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
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REMARKS:

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OFFICE OF MANAGEMENT AND BUDGET
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Approval

Department of Education

Approval

Department of Defense

Approval (Informally)

Department of Veterans Affairs

Approval (Informally)

Department of Justice

No objection (Informally)

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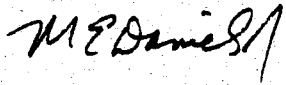
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TRANSMISSION OK

TX/RX NO 1489
 CONNECTION TEL 56958
 CONNECTION ID
 ST. TIME 01/08 01:13
 USAGE T 02'10
 PGS. SENT 5
 RESULT OK

SS/ RM NO. 505298

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Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PM

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Agency Recommendations

Office of Management and Budget

Approval

Department of Education

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Department of Defense

Approval (Informally)

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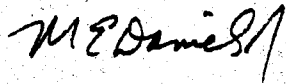
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Mitchell E. Daniels, Jr.
Director

Enclosures

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on S. 1793] - To: Honorable Mitch Daniels, Jr. - From: Rod Paige	1	12/21/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/15/2002 [S. 1793] [1]

FRC ID:

782

OA Num.:

733

NARA Num.:

1459

FOIA IDs and Segments:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
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Deed of Gift Restrictions

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- B. Closed by statute or by the agency which originated the document.
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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PMS. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF
Subject: 2001

02 JAN 8 AM 7:23

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
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GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND REMARKS TO STAFF SECRETARY, EXT. 62702, FAX 62215, NO LATER THAN
4:00 PM TUESDAY, 1-8-02. THANK YOU.

RESPONSE:

Handwritten signature and date:
 [Signature] / 1/8 6:00 PM

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

January 7, 2002

02 JAN 7 PM 10:25

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1793 - Higher Education Relief Opportunities for Students Act
of 2001
Sponsors - Sen. Collins (R) ME and 17 cosponsors

Last Day for Action

January 15, 2002 - Tuesday

Purpose

Permits the Secretary of Education to waive or modify Federal student financial assistance program requirements to assist individuals or academic institutions affected by the national emergency declared by the President on September 14, 2001, or subsequent emergencies caused by a terrorist attack.

Agency Recommendations

Office of Management and Budget

Approval

Department of Education

Approval

Department of Defense

Approval (Informally)

Department of Veterans Affairs

Approval (Informally)

Department of Justice

No objection (Informally)

Department of the Treasury

No objection (Informally)

Discussion

Student Loan Program Waiver Authority. S. 1793 would authorize the Secretary of Education (ED) to waive or modify any statutory or regulatory provision applicable to student loan programs under the Higher Education Act of 1965 as he or she deems necessary in connection with a national emergency caused by a terrorist attack. According to remarks made during House floor debate on S. 1793, the legislation is intended in part to allow student loan payments to be deferred for certain individuals affected by the September 11th attacks.

Waivers would be authorized to ensure that "affected" student loan borrowers are not placed in a "worse position" because of a terrorist attack. "Affected" individuals include those who: (1) are serving on active duty or National Guard duty during the national emergency; (2) reside in or are employed in an area that is declared a disaster area in connection with the national emergency; or (3) suffer direct economic hardship as a direct result of the national emergency. The waivers would apply to members of a Reserve of an Armed Force ordered to active duty as well as retired military personnel who are recalled, regardless of the location at which the active duty service is performed. ✓

The bill also would authorize waivers to minimize administrative requirements placed on such borrowers, "without impairing the integrity of the student loan programs," in order to ease the burden on such borrowers and to avoid technical violations or loan defaults. The Secretary also would be authorized to modify certain income eligibility definitions used in determining student financial aid in order to reflect more accurately the financial condition of those individuals affected by the terrorist attacks. ✓

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The authority under S. 1793 would expire on September 30, 2003.

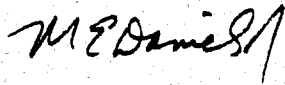
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Mitchell E. Daniels, Jr.
Director

Enclosures

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01/15/2002 [S. 1793] [1]

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1459

FOIA IDs and Segments:

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SS/ RM NO. 505298

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PMS. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF
Subject: 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☐	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
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GERSON	☐	☐	ROVE	☐	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND REMARKS TO STAFF SECRETARY, EXT. 62702, FAX 62215, NO LATER THAN
4:00 PM TUESDAY, 1-8-02. THANK YOU.

RESPONSE:

CA has no comment
DHE

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PM

S. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF

Subject: 2001

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ok

RESPONSE:

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Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 7, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1793 - Higher Education Relief Opportunities for Students Act
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Sponsors - Sen. Collins (R) ME and 17 cosponsors

Last Day for Action

January 15, 2002 - Tuesday

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Office of Management and Budget

Approval

Department of Education

Approval

Department of Defense

Approval (Informally)

Department of Veterans Affairs

Approval (Informally)

Department of Justice

No objection (Informally)

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No objection (Informally)

Discussion

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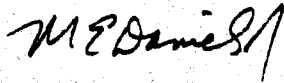
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Mitchell E. Daniels, Jr.
Director

Enclosures

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The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
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FOLDER TITLE:

01/15/2002 [S. 1793] [1]

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WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PMSubject: S. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
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RESPONSE:

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 Assistant to the President
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 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 7, 2002

02 JAN 7 PM 02:25

MEMORANDUM FOR THE PRESIDENT

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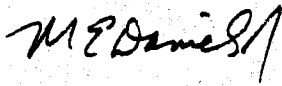
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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

SS/ RM NO. 505298

WHITE HOUSE STAFFING MEMORANDUM

NOEL

Date: 1-7-02

ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PM

S. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF
Subject: 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☐	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☒	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☐	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND REMARKS TO STAFF SECRETARY, EXT 62702, FAX 62215, NO LATER THAN 4:00 PM TUESDAY, 1-8-02. THANK YOU.

RESPONSE:

Counsel's office has no comment. nje

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PM

S. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF
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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 7, 2002

02 JAN 7 PM 10:25

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1793 - Higher Education Relief Opportunities for Students Act
of 2001
Sponsors - Sen. Collins (R) ME and 17 cosponsors

Last Day for Action

January 15, 2002 - Tuesday

Purpose

Permits the Secretary of Education to waive or modify Federal student financial assistance program requirements to assist individuals or academic institutions affected by the national emergency declared by the President on September 14, 2001, or subsequent emergencies caused by a terrorist attack.

Agency Recommendations

Office of Management and Budget

Approval

Department of Education

Approval

Department of Defense

Approval (Informally)

Department of Veterans Affairs

Approval (Informally)

Department of Justice

No objection (Informally)

Department of the Treasury

No objection (Informally)

Discussion

Student Loan Program Waiver Authority. S. 1793 would authorize the Secretary of Education (ED) to waive or modify any statutory or regulatory provision applicable to student loan programs under the Higher Education Act of 1965 as he or she deems necessary in connection with a national emergency caused by a terrorist attack. According to remarks made during House floor debate on S. 1793, the legislation is intended in part to allow student loan payments to be deferred for certain individuals affected by the September 11th attacks.

Waivers would be authorized to ensure that "affected" student loan borrowers are not placed in a "worse position" because of a terrorist attack. "Affected" individuals include those who: (1) are serving on active duty or National Guard duty during the national emergency; (2) reside in or are employed in an area that is declared a disaster area in connection with the national emergency; or (3) suffer direct economic hardship as a direct result of the national emergency. The waivers would apply to members of a Reserve of an Armed Force ordered to active duty as well as retired military personnel who are recalled, regardless of the location at which the active duty service is performed.

The bill also would authorize waivers to minimize administrative requirements placed on such borrowers, "without impairing the integrity of the student loan programs," in order to ease the burden on such borrowers and to avoid technical violations or loan defaults. The Secretary also would be authorized to modify certain income eligibility definitions used in determining student financial aid in order to reflect more accurately the financial condition of those individuals affected by the terrorist attacks.

The bill also would authorize the Secretary of ED to grant temporary relief from certain administrative requirements to institutions of higher education, lenders, and guaranty agencies involved in student assistance programs that are located in, or whose operations are directly affected by, areas declared disaster areas by any Federal, State, or local official in connection with the national emergency.

The authority under S. 1793 would expire on September 30, 2003.

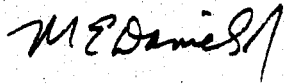
Federal Register and Reporting Requirements. ED would be required to publish in the Federal Register notice of any statutory or regulatory waiver or modification authorized under S. 1793. The notice must include: (1) the terms and conditions to be applied in lieu of the waived or modified provisions; and (2) examples of measures that educational institutions may take to adjust financial need and aid eligibility determinations. ED would be required to report to Congress, within 15 months of first exercising any waiver or modification authority authorized by the enrolled bill, on the impact of such waivers on the affected individuals or student aid programs. That report must include the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

Sense of Congress on Tuition Refunds. The enrolled bill expresses the "sense of Congress" that all institutions offering post-secondary education should provide a full refund or credit to students who are members of the Armed Forces serving on active duty during a national emergency caused by a terrorist attack for the portion of instruction that the student was unable to complete.

Conclusion and Recommendations

ED strongly recommends approval of S. 1793 because it will help "send the important message that this Nation will not abide terrorism." The Department notes that similar waiver authority was enacted in response to Operation Desert Storm in 1991.

We join ED in recommending approval of S. 1793, which passed the Senate by unanimous consent and the House by voice vote.



Mitchell E. Daniels, Jr.
Director

Enclosures

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on S. 1793] - To: Honorable Mitch Daniels, Jr. - From: Rod Paige	1	12/21/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/15/2002 [S. 1793] [1]

FRC ID:

782

FOIA IDs and Segments:**OA Num.:**

733

NARA Num.:

1459

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM, Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PM

02 JAN 8 PM 2:42

S. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF
 Subject: 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO 	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☐	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☒	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☐	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND REMARKS TO STAFF SECRETARY, EXT. 62702, FAX 62215, NO LATER THAN
 4:00 PM TUESDAY, 1-8-02. THANK YOU.

RESPONSE:

Legislative Affairs (Harriet) - done

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

02 JAN 14 2002

THE DIRECTOR

January 7, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1793 - Higher Education Relief Opportunities for Students Act
of 2001
Sponsors - Sen. Collins (R) ME and 17 cosponsors

Last Day for Action

January 15, 2002 - Tuesday

Purpose

Permits the Secretary of Education to waive or modify Federal student financial assistance program requirements to assist individuals or academic institutions affected by the national emergency declared by the President on September 14, 2001, or subsequent emergencies caused by a terrorist attack.

Agency Recommendations

Office of Management and Budget

Approval

Department of Education

Approval

Department of Defense

Approval (Informally)

Department of Veterans Affairs

Approval (Informally)

Department of Justice

No objection (Informally)

Department of the Treasury

No objection (Informally)

Discussion

Student Loan Program Waiver Authority. S. 1793 would authorize the Secretary of Education (ED) to waive or modify any statutory or regulatory provision applicable to student loan programs under the Higher Education Act of 1965 as he or she deems necessary in connection with a national emergency caused by a terrorist attack. According to remarks made during House floor debate on S. 1793, the legislation is intended in part to allow student loan payments to be deferred for certain individuals affected by the September 11th attacks.

Waivers would be authorized to ensure that "affected" student loan borrowers are not placed in a "worse position" because of a terrorist attack. "Affected" individuals include those who: (1) are serving on active duty or National Guard duty during the national emergency; (2) reside in or are employed in an area that is declared a disaster area in connection with the national emergency; or (3) suffer direct economic hardship as a direct result of the national emergency. The waivers would apply to members of a Reserve of an Armed Force ordered to active duty as well as retired military personnel who are recalled, regardless of the location at which the active duty service is performed.

The bill also would authorize waivers to minimize administrative requirements placed on such borrowers, "without impairing the integrity of the student loan programs," in order to ease the burden on such borrowers and to avoid technical violations or loan defaults. The Secretary also would be authorized to modify certain income eligibility definitions used in determining student financial aid in order to reflect more accurately the financial condition of those individuals affected by the terrorist attacks.

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The authority under S. 1793 would expire on September 30, 2003.

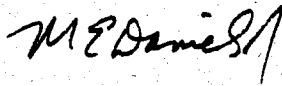
Federal Register and Reporting Requirements. ED would be required to publish in the Federal Register notice of any statutory or regulatory waiver or modification authorized under S. 1793. The notice must include: (1) the terms and conditions to be applied in lieu of the waived or modified provisions; and (2) examples of measures that educational institutions may take to adjust financial need and aid eligibility determinations. ED would be required to report to Congress, within 15 months of first exercising any waiver or modification authority authorized by the enrolled bill, on the impact of such waivers on the affected individuals or student aid programs. That report must include the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

Sense of Congress on Tuition Refunds. The enrolled bill expresses the "sense of Congress" that all institutions offering post-secondary education should provide a full refund or credit to students who are members of the Armed Forces serving on active duty during a national emergency caused by a terrorist attack for the portion of instruction that the student was unable to complete.

Conclusion and Recommendations

ED strongly recommends approval of S. 1793 because it will help "send the important message that this Nation will not abide terrorism." The Department notes that similar waiver authority was enacted in response to Operation Desert Storm in 1991.

We join ED in recommending approval of S. 1793, which passed the Senate by unanimous consent and the House by voice vote.



Mitchell E. Daniels, Jr.
Director

Enclosures

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on S. 1793] - To: Honorable Mitch Daniels, Jr. - From: Rod Paige	1	12/21/2001	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/15/2002 [S. 1793] [1]

FRC ID:

782

OA Num.:

733

NARA Num.:

1459

FOIA IDs and Segments:

RESTRICTION CODES

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PMSubject: S. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2001

02 JAN 8 PM 3:54

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
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HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND REMARKS TO STAFF SECRETARY, EXT. 62702, FAX 62215, NO LATER THAN 4:00 PM TUESDAY, 1-8-02. THANK YOU.

OK/NEC

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 7, 2002

02 JAN 7 10 25

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1793 - Higher Education Relief Opportunities for Students Act
of 2001
Sponsors - Sen. Collins (R) ME and 17 cosponsors

Last Day for Action

January 15, 2002 - Tuesday

Purpose

Permits the Secretary of Education to waive or modify Federal student financial assistance program requirements to assist individuals or academic institutions affected by the national emergency declared by the President on September 14, 2001, or subsequent emergencies caused by a terrorist attack.

Agency Recommendations

Office of Management and Budget

Approval

Department of Education

Approval

Department of Defense

Approval (Informally)

Department of Veterans Affairs

Approval (Informally)

Department of Justice

No objection (Informally)

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No objection (Informally)

Discussion

Student Loan Program Waiver Authority. S. 1793 would authorize the Secretary of Education (ED) to waive or modify any statutory or regulatory provision applicable to student loan programs under the Higher Education Act of 1965 as he or she deems necessary in connection with a national emergency caused by a terrorist attack. According to remarks made during House floor debate on S. 1793, the legislation is intended in part to allow student loan payments to be deferred for certain individuals affected by the September 11th attacks.

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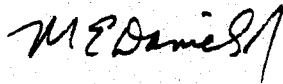
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Mitchell E. Daniels, Jr.
Director

Enclosures

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
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Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/15/2002 [S. 1793] [1]

FRC ID:

782

OA Num.:

733

NARA Num.:

1459

FOIA IDs and Segments:

RESTRICTION CODES

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Deed of Gift Restrictions

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02ACTION / CONCURRENCE / COMMENT DUE BY: 1-8-02, 4:00 PM

S. 1793 - HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF
 Subject: 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☐	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☒	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND REMARKS TO STAFF SECRETARY, EXT. 62702, FAX 62215, NO LATER THAN
 4:00 PM TUESDAY, 1-8-02. THANK YOU.

No comment

RESPONSE:

2002 JAN -8 AM 6:46
 EXEC. OFF. PRESIDENT
 WH STRATEGIC INITIATIVES

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

For Immediate Release

Bill Announcement
Edits

January 15, 2002

On Tuesday, January 15th, 2002, the President signed into law the following bills:

S. 1202, which authorizes appropriations for the Office of Government Ethics through FY 2006;

S. 1714, which provides for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building;

S. 1741, the "Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001", which allows States to provide Medicaid benefits to certain Native American women who have been diagnosed with breast or cervical cancer through a Centers for Disease Control and Prevention screening program; and

S. 1793, the "Higher Education Relief Opportunities for Students Act of 2001", which allows the Secretary of Education to waive or modify student financial assistance program requirements to assist individuals, or academic institutions affected by the national emergency declared by the President on 9/11 or subsequent national emergencies caused by terrorist attack.

extension
SP

SP
out

For Immediate Release

Bill Announcement
Edits

January 15, 2002

On Tuesday, January 15th, 2002, the President signed into law the following bills:

S. 1202, which ^{appropriations for} ~~re~~authorizes the Office of Government Ethics which provides guidance to Executive Branch employees in preventing and resolving conflicts of interest; ~~through FY 2006~~

S. 1714, which provides for the installation of a plaque to honor Dr. James Harvey Early in the ^{Building} ~~Post Office located in~~ Williamsburg, Kentucky;

S. 1741, "Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001", which allows States to provide Medicaid benefits to ^{or} ~~or~~ certain Native American women who have been diagnosed with breast ~~of~~ cervical cancer through a Centers for Disease Control and Prevention screening program; and

S. 1793, "Higher Education Relief Opportunities for Students ^{financial assistance} Act of 2001", which allows the Secretary of Education to waive or modify student ~~loan assistance~~ program requirements ^{for} individuals or academic institutions affected by ^{the national} ~~the~~ national emergencies ^{emergency declared} ~~or~~ by terrorist attack. ^{by the President} ~~or~~ on 9/11 or

^{Subsequent} ~~caused~~ to assist

On Tuesday, January 15, 2002, the President signed into law the following bills:

S. 1202, which reauthorizes the Office of Government Ethics which provides guidance to Executive Branch employees in preventing and resolving conflicts of interest;

S. 1714, which provides for the installation of a plaque to honor Dr. James Harvey Early in the Post Office located in Williamsburg, Kentucky;

S. 1741, "Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001", which allows States to provide Medicaid benefits to certain Native American women who have been diagnosed with breast or cervical cancer through a Centers for Disease Control and Prevention screening program; and

S. 1793, "Higher Education Relief Opportunities for Students Act of 2001", which allows the Secretary of Education to waive or modify student loan assistance programs requirements for individuals or academic institutions affected by national emergencies or by terrorist attack.