

the nearest higher one-eighth of one percent; or

“(ii) 8.25 percent.”.

(c) EXTENSION OF CURRENT INTEREST RATE PROVISIONS FOR THREE YEARS.—Sections 427A(k) and 455(b)(6) of the Higher Education Act of 1965 (20 U.S.C. 1077a(k), 1087e(b)(6)) are each amended—

(1) by striking “2003” in the heading and inserting “2006”; and

(2) by striking “July 1, 2003,” each place it appears and inserting “July 1, 2006.”.

SEC. 2. EXTENSION OF SPECIAL ALLOWANCE PROVISION.

Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is amended—

(1) by striking “, AND BEFORE JULY 1, 2003” in the heading;

(2) by striking “and before July 1, 2003,” each place it appears, other than in clauses (ii) and (v);

(3) by striking clause (ii) and inserting the following:

“(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan—

“(I) for which the first disbursement is made on or after January 1, 2000, and before July 1, 2006, and for which the applicable rate of interest is described in section 427A(k)(2); or

“(II) for which the first disbursement is made on or after July 1, 2006, and for which the applicable rate of interest is described in section 427A(l)(1), but only with respect to (aa) periods prior to the beginning of the repayment period of the loan; or (bb) during the periods in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 427(a)(2)(C) or 428(b)(1)(M); clause (i)(III) of this subparagraph shall be applied by substituting ‘1.74 percent’ for ‘2.34 percent.’;.

(4) in clause (iii), by inserting “or (l)(2)” after “427A(k)(3)”;

(5) in clause (iv), by inserting “or (l)(3)” after “427A(k)(4)”;

(6) in clause (v)—

(A) in the heading, by inserting “BEFORE JULY 1, 2006” after “PLUS LOANS”; and

(B) by striking “July 1, 2003,” and inserting “July 1, 2006.”;

(7) in clause (vi)—

(A) by inserting “or (l)(3)” after “427A(k)(4)” the first place it appears; and

(B) by inserting “or (l)(3), whichever is applicable” after “427A(k)(4)” the second place it appears; and

(8) by adding at the end the following new clause:

“(vii) LIMITATION ON SPECIAL ALLOWANCES FOR PLUS LOANS ON OR AFTER JULY 1, 2006.—In the case of PLUS loans made under section 428B and first disbursed on or after July 1, 2006, for which the interest rate is determined under section 427A(l)(2), a special allowance shall not be paid for such loan during any 12-month period beginning on July 1 and ending on June 30 unless—

“(I) the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial), as published by the Board of Governors of the Federal Reserve System in Publication H–15 (or its successor), for the last calendar week ending on or before such July 1; plus

“(II) 2.64 percent, exceeds 9.0 percent.”.

Mr. JOHNSON. Mr. President, today the Senate passed S. 1762, a bill I introduced to improve the formula for student loan interest rates and to ensure the long-term viability of the student loan program. I am pleased the Senate unanimously agreed to this important

legislation and I am proud to have worked with both students and lenders and my colleagues on the Health, Education, Labor, and Pensions Committee, especially Chairman KENNEDY and Ranking Member GREGG, as well as Majority Leader DASCHLE, in passing this monumental legislation.

All across America, millions of young people are preparing to apply to college. These teenagers are dreaming not only of the college experience they are about to embark upon, but also of graduating to become teachers, doctors, engineers, and even public servants. Thanks to the national education loan program, the educational and career aspirations of students and their families can become reality.

We know that the future of our Nation lies in educating the next generation of young people so that each of them can realize the promise of America. For 35 years, we have invested in our future by opening the doors of colleges and universities to the broadest cross-section of our citizens at the lowest possible cost. That is why passing this legislation was crucial to ensure that education loans are available to help future generations of students, workers, and their families climb the ladder of economic opportunity.

Since 1965, a partnership of students, workers, their families, educational institutions, lenders, and the Federal Government has opened the doors of educational opportunity for more than 50 million Americans. By any measure, the education loan program is a winning investment for our Nation.

Education loans are good investments in our economy and in our citizens. As I travel across South Dakota, educators, employers, and students tell me how valuable a college degree is in today's economy. Indeed, we know that graduates with college degrees earn an average of 80 percent more than individuals with only a high school diploma. Over a lifetime, the earnings difference between individuals with high school and college degrees can be more than \$1 million. At a time when many workers are losing their jobs through no fault of their own, education loans are critical tools that can empower these workers to upgrade their skills. As we search for ways to expand our economic prosperity, we must preserve this important investment in the future of our Nation.

Congress has now taken the initiative to ensure that future generations have access to the college or university of their choice by enacting a permanent solution to the interest rate issue. Again, I thank my colleagues on both sides of the aisle for their support in passing this critically important legislation of which we can all be proud.

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 278, S. 1793.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1793) to provide the Secretary of Education with the specific waiver authority to respond to conditions in national emergency declared by the President on September 14, 2001.

There being no objection, the Senate proceeded to consider the bill.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1793) was read the third time and passed as follows:

S. 1793

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.

DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 258, H.R. 2657.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2657) to amend title XI of the District of Columbia Code to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Family Court Act of 2001".

SEC. 2. REDESIGNATION OF FAMILY DIVISION AS FAMILY COURT OF THE SUPERIOR COURT.

(a) IN GENERAL.—Section 11-902, District of Columbia Code, is amended to read as follows:

"§ 11-902. Organization of the court

"(a) IN GENERAL.—The Superior Court shall consist of the following:

"(1) The Civil Division.

"(2) The Criminal Division.

"(3) The Family Court.

"(4) The Probate Division.

"(5) The Tax Division.

"(b) BRANCHES.—The divisions of the Superior Court may be divided into such branches as the Superior Court may by rule prescribe.

"(c) DESIGNATION OF PRESIDING JUDGE OF FAMILY COURT.—The chief judge of the Superior Court shall designate one of the judges assigned to the Family Court of the Superior Court to serve as the presiding judge of the Family Court of the Superior Court.

"(d) JURISDICTION DESCRIBED.—The Family Court shall have original jurisdiction over the actions, applications, determinations, adjudications, and proceedings described in section 11-1101. Actions, applications, determinations, adjudications, and proceedings being assigned to cross-jurisdictional units established by the Superior Court, including the Domestic Violence Unit, on the date of enactment of this section may continue to be so assigned after the date of enactment of this section."

(b) CONFORMING AMENDMENT TO CHAPTER 9.—Section 11-906(b), District of Columbia Code, is amended by inserting "the Family Court and" before "the various divisions".

(c) CONFORMING AMENDMENTS TO CHAPTER 11.—(1) The heading for chapter 11 of title 11, District of Columbia, is amended by striking "FAMILY DIVISION" and inserting "FAMILY COURT".

(2) The item relating to chapter 11 in the table of chapters for title 11, District of Columbia, is amended by striking "FAMILY DIVISION" and inserting "FAMILY COURT".

(d) CONFORMING AMENDMENTS TO TITLE 16.—

(1) CALCULATION OF CHILD SUPPORT.—Section 16-916.1(o)(6), District of Columbia Code, is amended by striking "Family Division" and inserting "Family Court of the Superior Court".

(2) EXPEDITED JUDICIAL HEARING OF CASES BROUGHT BEFORE HEARING COMMISSIONERS.—Section 16-924, District of Columbia Code, is amended by striking "Family Division" each place it appears in subsections (a) and (f) and inserting "Family Court".

(3) GENERAL REFERENCES TO PROCEEDINGS.—Chapter 23 of title 16, District of Columbia Code, is amended by inserting after section 16-2301 the following new section:

"§ 16-2301.1. References deemed to refer to Family Court of the Superior Court

"Any reference in this chapter or any other Federal or District of Columbia law, Executive order, rule, regulation, delegation of authority, or any document of or pertaining to the Family Division of the Superior Court of the District of Columbia shall be deemed to refer to the Family Court of the Superior Court of the District of Columbia."

(4) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 23 of title 16, District of Columbia, is amended by inserting after the item relating to section 16-2301 the following new item: