

115TH CONGRESS
1ST SESSION

S. 1866

To provide the Secretary of Education with waiver authority for the reallocation rules and authority to extend the deadline by which funds have to be reallocated in the campus-based aid programs under the Higher Education Act of 1965 due to Hurricane Harvey, Hurricane Irma, and Hurricane Maria, to provide equitable services to children and teachers in private schools, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2017

Mr. ALEXANDER introduced the following bill; which was read twice, considered, read the third time, and passed

A BILL

To provide the Secretary of Education with waiver authority for the reallocation rules and authority to extend the deadline by which funds have to be reallocated in the campus-based aid programs under the Higher Education Act of 1965 due to Hurricane Harvey, Hurricane Irma, and Hurricane Maria, to provide equitable services to children and teachers in private schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hurricanes Harvey,
3 Irma, and Maria Education Relief Act of 2017”.

4 **SEC. 2. ALLOCATION AND USE OF CAMPUS-BASED HIGHER**
5 **EDUCATION ASSISTANCE.**

6 (a) DEFINITIONS.—In this section:

7 (1) AFFECTED AREA.—The term “affected
8 area” means an area for which the President de-
9 clared a major disaster or an emergency under sec-
10 tion 401 or 501, respectively, of the Robert T. Staf-
11 ford Disaster Relief and Emergency Assistance Act
12 (42 U.S.C. 5170 and 5191) as a result of Hurricane
13 Harvey, Hurricane Irma, Hurricane Maria, Tropical
14 Storm Harvey, Tropical Storm Irma, or Tropical
15 Storm Maria.

16 (2) AFFECTED STUDENT.—The term “affected
17 student” means an individual who has applied for or
18 received student financial assistance under title IV
19 of the Higher Education Act of 1965 (20 U.S.C.
20 1070 et seq.), and who—

21 (A) was enrolled or accepted for enrollment
22 on August 25, 2017, at an institution of higher
23 education that is located in an affected area;

24 (B) is a dependent student who was en-
25 rolled or accepted for enrollment on August 25,
26 2017, at an institution of higher education that

1 is not located in an affected area, but whose
 2 parent or parents resided or was employed on
 3 August 25, 2017, in an affected area; or

4 (C) suffered direct economic hardship as a
 5 direct result of Hurricane Harvey, Hurricane
 6 Irma, Hurricane Maria, Tropical Storm Har-
 7 vey, Tropical Storm Irma, or Tropical Storm
 8 Maria, as determined by the Secretary.

9 (3) INSTITUTION OF HIGHER EDUCATION.—The
 10 term “institution of higher education” has the
 11 meaning given the term in section 102 of the Higher
 12 Education Act of 1965 (20 U.S.C. 1002).

13 (4) SECRETARY.—The term “Secretary” means
 14 the Secretary of Education.

15 (b) WAIVERS.—

16 (1) WAIVER OF NON-FEDERAL SHARE REQUIRE-
 17 MENT.—Notwithstanding sections 413C(a)(2) and
 18 443(b)(5) of the Higher Education Act of 1965 (20
 19 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with re-
 20 spect to funds made available for award years 2016–
 21 2017 and 2017–2018—

22 (A) in the case of an institution of higher
 23 education that is located in an affected area,
 24 the Secretary shall waive the requirement that
 25 a participating institution of higher education

1 provide a non-Federal share to match Federal
 2 funds provided to the institution for the pro-
 3 grams authorized pursuant to subpart 3 of part
 4 A and part C of title IV of the Higher Edu-
 5 cation Act of 1965 (20 U.S.C. 1070b et seq.
 6 and 1087–51 et seq.); and

7 (B) in the case of an institution of higher
 8 education that is not located in an affected area
 9 but has enrolled or accepted for enrollment any
 10 affected students, the Secretary may waive the
 11 non-Federal share requirement described in
 12 subparagraph (A) after considering the institu-
 13 tion’s student population and existing re-
 14 sources.

15 (2) WAIVER OF REALLOCATION RULES.—

16 (A) AUTHORITY TO REALLOCATE.—Not-
 17 withstanding sections 413D(d) and 442(d) of
 18 the Higher Education Act of 1965 (20 U.S.C.
 19 1070b–3(d) and 1087–52(d)), the Secretary
 20 shall—

21 (i) reallocate any funds returned
 22 under such section 413D or 442 of the
 23 Higher Education Act of 1965 that were
 24 allocated to institutions of higher education
 25 for award year 2016–2017 to an institu-

tion of higher education that is eligible
under subparagraph (B); and

(ii) waive the allocation reduction for
award year 2018–2019 for an institution
of higher education that is eligible under
subparagraph (B) returning more than 10
percent of its allocation under such section
413D or 442 of the Higher Education Act
of 1965 for award year 2017–2018.

(B) INSTITUTIONS ELIGIBLE FOR RE-
ALLOCATION.—An institution of higher edu-
cation is eligible under this subparagraph if the
institution—

(i) participates in the program for
which excess allocations are being reallo-
cated; and

(ii)(I) is located in an affected area;
or

(II) has enrolled or accepted for en-
rollment any affected students in award
year 2017–2018.

(C) BASIS OF REALLOCATION.—The Sec-
retary shall—

(i) determine the manner in which excess allocations will be reallocated pursuant to this paragraph; and

(ii) give preference in making reallocations to the needs of institutions of higher education located in an affected area.

(D) ADDITIONAL WAIVER AUTHORITY.—

Notwithstanding any other provision of law, in order to carry out this paragraph, the Secretary may waive or modify any statutory or regulatory provision relating to the reallocation of excess allocations under subpart 3 of part A or part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq. and 1087–51 et seq.) in order to ensure that assistance is received by institutions of higher education that are eligible under subparagraph (B).

(3) AVAILABILITY OF FUNDS DATE EXTENSION.—Notwithstanding any other provision of law—

(A) any funds available to the Secretary under sections 413A and 441 of the Higher Education Act of 1965 (20 U.S.C. 1070b and 1087–51) for which the period of availability would otherwise expire on September 30, 2017,

1 shall be available for obligation by the Secretary
2 until September 30, 2018, for the purposes of
3 the programs authorized pursuant to subpart 3
4 of part A and part C of title IV of the Higher
5 Education Act of 1965 (20 U.S.C. 1070b et
6 seq. and 1087–51 et seq.); and

7 (B) the Secretary may recall any funds al-
8 located to an institution of higher education for
9 award year 2016–2017 under section 413D or
10 442 of the Higher Education Act of 1965 (20
11 U.S.C. 1070b–3 and 1087–52), that, if not re-
12 turned to the Secretary as excess allocations
13 pursuant to either of those sections, would oth-
14 erwise lapse on September 30, 2017, and reallo-
15 cate those funds in accordance with paragraph
16 (2)(A).

17 (c) EMERGENCY REQUIREMENT.—This section is
18 designated as an emergency requirement pursuant to sec-
19 tion 4(g) of the Statutory Pay-As-You-Go Act of 2010
20 (title I of Public Law 111–139; 2 U.S.C. 933(g)).

21 (d) REPORT.—Not later than October 1, 2018, the
22 Secretary shall submit to the Committee on Health, Edu-
23 cation, Labor, and Pensions of the Senate and the Com-
24 mittee on Education and the Workforce of the House of
25 Representatives information on—

1 (1) the total volume of assistance received by
 2 each eligible institution of higher education under
 3 subsection (b)(2); and

4 (2) the total volume of the non-Federal share
 5 waived for each institution of higher education under
 6 subsection (b)(1).

7 (e) SUNSET.—The provisions of subsection (b) shall
 8 cease to be effective on September 30, 2018.

9 **SEC. 3. PROJECT SERV AND EQUITABLE SERVICES FOR**
 10 **CHILDREN AND TEACHERS IN PRIVATE**
 11 **SCHOOLS.**

12 Section 8501(b)(1) of the Elementary and Secondary
 13 Education Act of 1965 (20 U.S.C. 7881(b)(1)) is amend-
 14 ed—

15 (1) in subparagraph (D), by striking “and”;

16 (2) in subparagraph (E), by striking the period
 17 at the end and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(F) section 4631, with regard to Project
 20 SERV.”.

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