

109TH CONGRESS
1ST SESSION

S. 1842

To provide assistance to rebuild communities, schools, and hospitals damaged by Hurricane Katrina or Hurricane Rita, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2005

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide assistance to rebuild communities, schools, and hospitals damaged by Hurricane Katrina or Hurricane Rita, 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,*

3 **SECTION 1. ASSISTANCE TO SCHOOLS ENROLLING EVACU-**
4 **ATED STUDENTS.**

5 (a) PURPOSE.—It is the purpose of this section to
6 provide financial assistance to eligible entities that serve
7 students who are displaced by Hurricane Katrina or Hur-
8 ricane Rita and enroll in the elementary or secondary
9 schools (including charter schools) served by the eligible
10 entities or in the eligible entities (as the case may be).

1 (b) PROGRAM AUTHORIZED.—From amounts appro-
2 priated under subsection (k), the Secretary of Education
3 shall award grants to eligible entities to enable the eligible
4 entities to award subgrants under subsection (g) and to
5 carry out the activities described in subsection (h).

6 (c) ELIGIBLE ENTITY.—In this section, the term “el-
7 igible entity” means—

8 (1) in Louisiana or Mississippi, a State edu-
9 cational agency;

10 (2) in a State other than Louisiana or Mis-
11 sissippi, a local educational agency that enrolls a
12 student who is displaced by Hurricane Katrina or
13 Hurricane Rita; or

14 (3) an elementary school or secondary school
15 funded by the Bureau of Indian Affairs that enrolls
16 a student who is displaced by Hurricane Katrina or
17 Hurricane Rita.

18 (d) CONDITIONS OF GRANT.—

19 (1) DURATION OF GRANT.—Each grant award-
20 ed under this section shall be for the period begin-
21 ning on the date of the award and ending on the last
22 day of the 2005–2006 school year.

23 (2) RETURN OF NON-OBLIGATED FUNDS.—An
24 eligible entity receiving a grant under this section
25 shall return to the Secretary of Education any grant

1 funds that have not been expended or obligated dur-
2 ing the grant period.

3 (e) STUDENT COUNT.—An eligible entity desiring to
4 receive a grant under this section shall—

5 (1) submit to the Secretary of Education a
6 count of the number of students enrolled in the eligi-
7 ble entity or in the elementary and secondary schools
8 served by the eligible entity (as the case may be)
9 who were displaced by Hurricane Katrina or Hurri-
10 cane Rita; and

11 (2) maintain the records necessary to document
12 the student enrollment count under paragraph (1).

13 (f) AMOUNT OF GRANTS.—

14 (1) IN GENERAL.—As soon as feasible after re-
15 ceiving an enrollment count described in subsection
16 (e)(1) from an eligible entity, the Secretary of Edu-
17 cation shall award a grant in the amount described
18 in paragraph (2) to such eligible entity.

19 (2) AMOUNT OF GRANTS.—The amount of a
20 grant described in this paragraph shall be equal to
21 the product of—

22 (A) the number of students enrolled in the
23 eligible entity or in the elementary and sec-
24 ondary schools served by the eligible entity (as

1 the case may be) who were displaced by Hurri-
 2 cane Katrina or Hurricane Rita; multiplied by

3 (B) 90 percent of the average per-pupil ex-
 4 penditure for elementary and secondary edu-
 5 cation in the State in which the eligible entity
 6 is located, as determined by the Secretary of
 7 Education using data from the most recent year
 8 for which satisfactory data are available, except
 9 that the amount described in this subparagraph
 10 shall not exceed \$7,500.

11 (3) RATABLE REDUCTION.—If the amount ap-
 12 propriated for grants under this section is insuffi-
 13 cient to pay the grants to all eligible entities in the
 14 amount calculated under paragraph (2), the grants
 15 to all eligible entities shall be ratably reduced.

16 (g) USE OF FUNDS BY STATE EDUCATIONAL AGEN-
 17 CIES.—

18 (1) IN GENERAL.—An eligible agency described
 19 in subsection (c)(1) that receives a grant under this
 20 section shall use grant funds to—

21 (A) award subgrants, in the amount de-
 22 scribed in paragraph (2), to local educational
 23 agencies within the State that serve students
 24 who were displaced by Hurricane Katrina or
 25 Hurricane Rita, to enable the local educational

1 agencies to carry out the activities described in
2 subsection (h); and

3 (B) to carry out the activities described in
4 paragraph (3).

5 (2) AMOUNT OF SUBGRANTS.—The amount of a
6 subgrant made to a local educational agency under
7 paragraph (1)(A) shall be equal to—

8 (A) the product of —

9 (i) the average per-pupil expenditure
10 for elementary and secondary education in
11 the local educational agency; multiplied by

12 (ii) the number of students enrolled in
13 schools served by the local educational
14 agency who were displaced by Hurricane
15 Katrina or Hurricane Rita; or

16 (B) an amount calculated by an alternate
17 methodology, if the use of such methodology is
18 approved by the Secretary of Education.

19 (3) USE OF REMAINING FUNDS.—From any
20 grant funds awarded to an eligible agency described
21 in subsection (c)(1) that remain after the eligible
22 agency has awarded subgrants in accordance with
23 paragraph (1), the eligible agency may use such re-
24 maining funds to carry out activities that assist local
25 educational agencies serving schools that are closed

1 as a result of Hurricane Katrina or Hurricane Rita,
2 in order to reopen such schools as quickly and effec-
3 tively as possible. Such activities may include—

4 (A) arranging for the temporary facilities
5 necessary to operate educational programs while
6 permanent facilities are being rebuilt or re-
7 paired;

8 (B) purchasing equipment and materials to
9 replace those items destroyed or damaged by
10 Hurricane Katrina or Hurricane Rita;

11 (C) paying the cost of student transpor-
12 tation;

13 (D) recruiting or retraining teachers or
14 other school personnel to serve in reopened
15 schools; and

16 (E) providing nonfinancial assistance to
17 students and their families when such students
18 return to the areas affected by Hurricane
19 Katrina or Hurricane Rita or reenroll in schools
20 that are affected by Hurricane Katrina or Hur-
21 ricane Rita.

22 (h) USES OF FUNDS BY BUREAU OF INDIAN AFFAIRS

23 SCHOOLS AND LOCAL EDUCATIONAL AGENCIES.—An eli-

24 gible entity described in paragraph (2) or (3) of subsection

25 (c) that receives a grant under this section, or a local edu-

1 cational agency that receives a subgrant under subsection
2 (g)(1), shall use the grant funds to pay for the costs re-
3 lated to educating students enrolled in the schools served
4 by the eligible entity or in the eligible entity (as the case
5 may be), which costs may include—

6 (1) teacher and staff salaries;

7 (2) building maintenance;

8 (3) materials and equipment;

9 (4) student transportation;

10 (5) special services and instruction, such as—

11 (A) English language acquisition services
12 and programs for students with limited English
13 proficiency;

14 (B) services for children with disabilities;
15 and

16 (C) mental health counseling for children
17 displaced by Hurricane Katrina or Hurricane
18 Rita;

19 (6) after-school programs;

20 (7) supplemental educational services; and

21 (8) early childhood programs.

22 (i) ACCOUNTABILITY.—An eligible entity that re-
23 ceives a grant under this section shall take appropriate
24 measures to ensure the proper use of, and accounting for,

1 all grant funds received by the eligible entity under this
2 section.

3 (j) EXPIRATION OF AUTHORITY.—On June 30, 2006,
4 the authority described in subsection (b) shall expire and
5 all funds under this section that are not expended or obli-
6 gated by such date shall be transferred to the general fund
7 of the Treasury.

8 (k) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 \$1,860,000,000 for fiscal year 2006.

11 **SEC. 2. ASSISTANCE FOR THE ENROLLMENT OF EVACU-**
12 **ATED STUDENTS IN PRIVATE SCHOOLS.**

13 (a) AUTHORITY.—From funds appropriated under
14 subsection (j), the Secretary of Education shall make one-
15 time, emergency grants to State educational agencies to
16 enable the State educational agencies to reimburse the
17 parents or guardians of students who were displaced by
18 Hurricane Katrina or Hurricane Rita and who are attend-
19 ing a private school in the State that is accredited or li-
20 censed or otherwise operates in accordance with State law.

21 (b) LENGTH OF GRANT.—

22 (1) DURATION OF GRANT.—Each emergency
23 grant awarded under this section shall be for the pe-
24 riod beginning on the date of the award and ending
25 on the last day of the 2005–2006 school year.

1 (2) RETURN OF NON-OBLIGATED FUNDS.—

2 Each State educational agency that receives a grant
3 under this section shall return to the Secretary of
4 Education any grant funds that have not been ex-
5 pended or obligated during the grant period.

6 (c) APPLICATIONS.—A State educational agency that
7 desires to receive an emergency grant under this section
8 shall submit an application to the Secretary of Education
9 at such time, in such manner, and containing such infor-
10 mation as the Secretary may require, including—

11 (1) the number of students who were displaced
12 by Hurricane Katrina or Hurricane Rita and whose
13 parents or guardians the State educational agency
14 expects to reimburse under this section; and

15 (2) a detailed description of the procedures the
16 State educational agency plans to use—

17 (A) to provide reimbursements to the par-
18 ents or guardians of the displaced students de-
19 scribed in paragraph (1); and

20 (B) to ensure fiscal accountability for any
21 funds received by the State educational agency
22 under this section.

23 (d) AMOUNT OF GRANTS.—

1 (1) IN GENERAL.—For each State educational
2 agency, the amount of an emergency grant under
3 this section shall be equal to the product of—

4 (A) the number of students who were dis-
5 placed by Hurricane Katrina or Hurricane Rita
6 and whose parents or guardians will be reim-
7 bursed by the State educational agency, as de-
8 termined by the Secretary of Education; multi-
9 plied by

10 (B) 90 percent of the average per-pupil ex-
11 penditure for elementary and secondary edu-
12 cation in the State, as determined by the Sec-
13 retary of Education using data from the most
14 recent year for which satisfactory data are
15 available, except that the amount described in
16 this subparagraph shall not exceed \$7,500.

17 (2) RATABLE REDUCTION.—If the amount ap-
18 propriated for emergency grants under this section
19 is insufficient to pay the emergency grants to all
20 State educational agencies in accordance with para-
21 graph (1), the emergency grants to all State edu-
22 cational agencies shall be ratably reduced.

23 (e) USES OF FUNDS.—Each State educational agen-
24 cy receiving an emergency grant under this section—

1 (1) shall use the grant funds to provide reim-
 2 bursements, once per semester (or lesser portion of
 3 the school year, if the State so decides), directly to
 4 the parents or guardians of the displaced students,
 5 for the cost of those students' tuition, fees, and
 6 transportation expenses, if any, at any private school
 7 of the parents' or guardians' choice in the State for
 8 that semester (or lesser period), in accordance with
 9 subsection (f);

10 (2) shall ensure that a parent or guardian who
 11 receives funds under this section use those funds
 12 only for the purposes described in paragraph (1);

13 (3) may use not more than 1 percent of the
 14 grant funds for the administrative expenses of car-
 15 rying out this subsection; and

16 (4) may contract with a public or private non-
 17 profit agency or entity to administer and operate the
 18 reimbursement program under this subsection.

19 (f) AMOUNT OF PAYMENTS TO PARENTS OR GUARD-
 20 IANS.—

21 (1) IN GENERAL.—The maximum reimburse-
 22 ment that a State educational agency may provide to
 23 an eligible parent or guardian on behalf of a student
 24 who is displaced by Hurricane Katrina or Hurricane

1 Rita under this section shall be equal to the amount
2 described in subsection (d)(1)(B).

3 (2) ELIGIBILITY REQUIREMENTS FOR REIM-
4 BURSEMENT.—

5 (A) CRITERIA FOR ENROLLING
6 SCHOOLS.—A parent of a student who is dis-
7 placed by Hurricane Katrina or Hurricane Rita
8 is eligible for a reimbursement by the State
9 educational agency under subsection (e) if the
10 private school in which the parent enrolls the
11 student—

12 (i) is accredited or licensed or other-
13 wise operates in accordance with State law;
14 and

15 (ii) has in place a refund policy for
16 the refund of tuition and fees (and trans-
17 portation expenses, if any) for displaced
18 students that is at least as favorable as the
19 refund policy applicable to other students
20 at the school.

21 (B) CRITERIA FOR PARENTS OR GUARD-
22 IANS.—In addition to the requirements of sub-
23 paragraph (A), the Secretary of Education shall
24 establish criteria, which may include the use of
25 criteria involving family income or assets, to de-

1 terminate the eligibility for or amount of assist-
2 ance provided under this section to a parent or
3 guardian of a student who is displaced by Hur-
4 ricane Katrina or Hurricane Rita.

5 (g) BY-PASS.—If a State educational agency is un-
6 able or unwilling to carry out this section, the Secretary
7 of Education may make such arrangements as the Sec-
8 retary determines appropriate to carry out this section on
9 behalf of the students attending private schools in such
10 State who are displaced by Hurricane Katrina or Hurri-
11 cane Rita.

12 (h) RULE OF CONSTRUCTION.—Section 308 of the
13 DC School Choice Incentive Act of 2003 (Public Law 108–
14 199) shall apply to the program under this section in the
15 same manner as such section applies to the program under
16 such Act.

17 (i) EXPIRATION OF AUTHORITY.—On June 30, 2006,
18 the authority described in subsection (a) shall expire and
19 all grant funds that are not expended or obligated by such
20 date shall be transferred to the general fund of the Treas-
21 ury.

22 (j) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this section
24 \$488,000,000 for fiscal year 2006.

1 **SEC. 3. IMMEDIATE AID TO RESTART EDUCATIONAL OPER-**
2 **ATIONS.**

3 (a) PURPOSE.—It is the purpose of this section—

4 (1) to provide immediate services or assistance
5 to institutions of higher education, local educational
6 agencies, and eligible private schools that serve an
7 area for which a major disaster has been declared in
8 accordance with section 401 of the Robert T. Staf-
9 ford Disaster Relief and Emergency Assistance Act
10 (42 U.S.C. 5170), related to Hurricane Katrina or
11 Hurricane Rita;

12 (2) to assist school district administrators and
13 personnel of such institutions, agencies, or eligible
14 private schools who are working to restart oper-
15 ations; and

16 (3) to facilitate the reopening of the institu-
17 tions, elementary schools and secondary schools
18 served by such agencies, or eligible private schools
19 and the enrollment of students in such institutions
20 or schools as soon as possible.

21 (b) PAYMENTS AUTHORIZED.—From amounts appro-
22 priated to carry out this section, the Secretary of Edu-
23 cation is authorized to make payments to State edu-
24 cational agencies or State agencies for higher education
25 that serve an area for which a major disaster has been
26 declared in accordance with section 401 of the Robert T.

1 Stafford Disaster Relief and Emergency Assistance Act
2 (42 U.S.C. 5170), related to Hurricane Katrina or Hurri-
3 cane Rita, to enable such agencies to—

4 (1) restart schools located in an area in which
5 a major disaster has been declared in accordance
6 with section 401 of the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act (42 U.S.C.
8 5170), related to Hurricane Katrina or Hurricane
9 Rita;

10 (2) provide assistance to institutions of higher
11 education located in such an area; and

12 (3) provide assistance to eligible private schools
13 in accordance with subsection (c).

14 (c) ASSISTANCE TO ELIGIBLE PRIVATE SCHOOLS.—

15 (1) IN GENERAL.—From the payments provided
16 by the Secretary of Education under subsection (b)
17 and after timely and meaningful consultation with
18 appropriate private school officials, a State edu-
19 cational agency that serves an area for which a
20 major disaster has been declared in accordance with
21 section 401 of the Robert T. Stafford Disaster Relief
22 and Emergency Assistance Act (42 U.S.C. 5170),
23 related to Hurricane Katrina or Hurricane Rita,
24 shall provide to eligible private schools special edu-
25 cational services or benefits for the students served

1 by such eligible private schools on the equitable basis
2 described in paragraph (3).

3 (2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—
4 The educational services or other benefits provided
5 under paragraph (1), including materials and equip-
6 ment, shall be secular, neutral, and nonideological.

7 (3) EQUITY.—Educational services and other
8 benefits provided for eligible private school students
9 under paragraph (1) shall be equitable in compari-
10 son to the educational services and other benefits
11 provided for public school students under this sec-
12 tion.

13 (4) PUBLIC CONTROL OF FUNDS.—The control
14 of funds provided to an eligible private school under
15 paragraph (1), and title to materials, equipment,
16 and property purchased with such funds, shall be in
17 a public agency, and a public agency shall admin-
18 ister such funds, materials, equipment, and prop-
19 erty.

20 (d) SUPPLEMENT NOT SUPPLANT.—Funds made
21 available under this section shall be used to supplement,
22 and not supplant, any funds made available through the
23 Federal Emergency Management Agency or through a
24 State.

25 (e) DEFINITIONS.—In this section:

1 (1) ELIGIBLE PRIVATE SCHOOL.—The term “el-
2 igible private school” means a private elementary or
3 secondary school that desires to participate in the
4 program under this section and is located in an area
5 in which a major disaster has been declared in ac-
6 cordance with section 401 of the Robert T. Stafford
7 Disaster Relief and Emergency Assistance Act (42
8 U.S.C. 5170), related to Hurricane Katrina or Hur-
9 ricane Rita.

10 (2) INSTITUTION OF HIGHER EDUCATION.—The
11 term “institution of higher education” has the
12 meaning given such term in section 101 of the High-
13 er Education Act of 1965 (20 U.S.C. 1001 et seq.).

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$1,000,000,000 for fiscal year 2006.

17 **SEC. 4. FUNDING.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, of the amounts made available to the Depart-
20 ment of Homeland Security under the heading “DISASTER
21 RELIEF” under the heading “EMERGENCY PRE-
22 PAREDNESS AND RESPONSE” of Public Law 109–
23 62 (119 Stat. 1991), not less than \$3,300,000,000 shall
24 be available to the heads of the appropriate departments

1 or agencies of the Federal Government to carry out the
2 programs and activities authorized under this Act.

3 (b) AVAILABLE UNTIL EXPENDED.—The amounts
4 appropriated under subsection (a) shall remain available
5 until expended.

○