

dents via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

(B) develop procedures the institution of higher education or consortium shall follow to inform, in a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

(A) security assessments;

(B) security training of personnel and students at the institution of higher education or consortium;

(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities;

(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others; and

(E) acquisition and installation of access control, video surveillance, intrusion detection, and perimeter security technologies and systems.

(3) Coordinating with appropriate local entities for the provision of mental health services for students and staff of the institution of higher education or consortium, including mental health crisis response and intervention services for students and staff affected by a campus or community emergency.

(d) Application

Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(e) Technical assistance

The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §821, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3408; amended Pub. L. 111-39, title VIII, §801(6), July 1, 2009, 123 Stat. 1956.)

Editorial Notes

AMENDMENTS

2009—Subsec. (a)(1). Pub. L. 111-39, §801(6)(A), substituted “subsection (f)” for “subsection (g)”.

Subsec. (c)(1)(B). Pub. L. 111-39, §801(6)(B), substituted “in a reasonable” for “within a reasonable”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1161I-1. Model emergency response policies, procedures, and practices

The Secretary, in consultation with the Attorney General and the Secretary of Homeland Security, shall continue to—

(1) advise institutions of higher education on model emergency response policies, procedures, and practices; and

(2) disseminate information concerning those policies, procedures, and practices.

(Pub. L. 89-329, title VIII, §822, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3410.)

§ 1161I-2. Preparation for future disasters plan by the Secretary

The Secretary shall continue to coordinate with the Secretary of Homeland Security and other appropriate agencies to develop and maintain procedures to address the preparedness, response, and recovery needs of institutions of higher education in the event of a natural or manmade disaster with respect to which the President has declared a major disaster or emergency (as such terms are defined in section 1161I-3 of this title).

(Pub. L. 89-329, title VIII, §823, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3410.)

§ 1161I-3. Education Disaster and Emergency Relief Loan Program

(a) Program authorized

The Secretary, in consultation with the Secretary of Homeland Security, is authorized to establish an Education Disaster and Emergency Relief Loan Program for institutions of higher education impacted by a major disaster or emergency declared by the President.

(b) Use of assistance

The Secretary shall, subject to the availability of appropriations, provide loans under

this section to institutions of higher education after the declaration of a major disaster or emergency by the President. Loan funds provided under this section may be used for construction, replacement, renovation, and operations costs resulting from a major disaster or emergency declared by the President.

(c) Application requirements

To be considered for a loan under this section, an institution of higher education shall—

(1) submit a financial statement and other appropriate data, documentation, or evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a major disaster or emergency declared by the President, and the monetary amount of such losses;

(2) demonstrate that the institution had appropriate insurance policies prior to the major disaster or emergency and filed claims, as appropriate, related to the major disaster or emergency; and

(3) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency prior to seeking a loan under this section, except that an institution of higher education shall not be required to receive collateral source compensation from the Federal Emergency Management Agency prior to being eligible for a loan under this section.

(d) Audit

The Secretary may audit a financial statement submitted under subsection (c) and an institution of higher education shall provide any information that the Secretary determines necessary to conduct such an audit.

(e) Reduction in loan amounts

To determine the amount of a loan to make available to an institution of higher education under this section, the Secretary shall calculate the monetary amount of losses incurred by such institution as a result of a major disaster or emergency declared by the President, and shall reduce such amount by the amount of collateral source compensation the institution has already received from insurance, the Federal Emergency Management Agency, and the Small Business Administration.

(f) Establishment of loan program

Prior to disbursing any loans under this section, the Secretary shall prescribe regulations that establish the Education Disaster and Emergency Relief Loan Program, including—

(1) terms for the loan program;

(2) procedures for an application for a loan;

(3) minimum requirements for the loan program and for receiving a loan, including—

(A) online forms to be used in submitting a request for a loan;

(B) information to be included in such forms; and

(C) procedures to assist in filing and pursuing a loan; and

(4) any other terms and conditions the Secretary may prescribe after taking into consideration the structure of other existing capital financing loan programs under this chapter.

(g) Definitions

In this section:

(1) Institution affected by a Gulf hurricane disaster

The term “institution affected by a Gulf hurricane disaster” means an institution of higher education that—

(A) is located in an area affected by a Gulf hurricane disaster; and

(B) is able to demonstrate that the institution—

(i) incurred physical damage resulting from the impact of a Gulf hurricane disaster; and

(ii) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane levels for 30 days or more on or after August 29, 2005.

(2) Area affected by a Gulf hurricane disaster; Gulf hurricane disaster

The terms “area affected by a Gulf hurricane disaster” and “Gulf hurricane disaster” have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2808).

(3) Emergency

The term “emergency” has the meaning given such term in section 5122(1) of title 42.

(4) Institutions of higher education

The term “institution of higher education” has the meaning given such term in section 1001 of this title.

(5) Major disaster

The term “major disaster” has the meaning given the term in section 5122(2) of title 42.

(h) Effective date

Loans provided to institutions of higher education pursuant to this section shall be available only with respect to major disasters or emergencies declared by the President that occur after August 14, 2008, except that loans may be provided pursuant to this section to an institution affected by a Gulf hurricane disaster with respect to such disaster.

(i) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89–329, title VIII, §824, as added Pub. L. 110–315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3410; amended Pub. L. 111–39, title VIII, §801(7), July 1, 2009, 123 Stat. 1956.)

Editorial Notes

REFERENCES IN TEXT

Section 209 of the Higher Education Hurricane Relief Act of 2005, referred to in subsec. (g)(2), is section 209 of title IV of div. B of Pub. L. 109–148, 119 Stat. 2808, which is not classified to the Code.

AMENDMENTS

2009—Subsec. (f)(3)(A). Pub. L. 111–39, §801(7)(A), inserted “a” after “submitting”.

Subsec. (f)(3)(C). Pub. L. 111–39, §801(7)(B), substituted “pursuing” for “pursing”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2009 AMENDMENT**

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1161I-4. Guidance on mental health disclosures for student safety**(a) Guidance**

The Secretary shall continue to provide guidance that clarifies the role of institutions of higher education with respect to the disclosure of education records, including to a parent or legal guardian of a dependent student, in the event that such student demonstrates that the student poses a significant risk of harm to himself or herself or to others, including a significant risk of suicide, homicide, or assault. Such guidance shall further clarify that an institution of higher education that, in good faith, discloses education records or other information in accordance with the requirements of this chapter and section 1232g of this title (commonly known as the “Family Educational Rights and Privacy Act of 1974”) shall not be liable to any person for that disclosure.

(b) Information to Congress

The Secretary shall provide an update to the authorizing committees on the Secretary’s activities under subsection (a) not later than 180 days after August 14, 2008.

(Pub. L. 89-329, title VIII, § 825, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3412; amended Pub. L. 111-39, title VIII, § 801(8), July 1, 2009, 123 Stat. 1956.)

Editorial Notes**AMENDMENTS**

2009—Subsec. (a). Pub. L. 111-39 substituted “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’” for “the Family Educational Rights and Privacy Act of 1974”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2009 AMENDMENT**

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1161I-5. Rule of construction

Nothing in this part shall be construed—

(1) to provide a private right of action to any person to enforce any provision of this section;

(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

(3) to affect section 1232g of this title (commonly known as the “Family Educational Rights and Privacy Act of 1974”) or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

(Pub. L. 89-329, title VIII, § 826, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat.

3412; amended Pub. L. 111-39, title VIII, § 801(9), July 1, 2009, 123 Stat. 1956.)

Editorial Notes**REFERENCES IN TEXT**

Section 264 of the Health Insurance Portability and Accountability Act of 1996, referred to in par. (3), is section 264 of title II of Pub. L. 104-191, Aug. 21, 1996, 110 Stat. 2033, which is set out as a note under section 1320d-2 of Title 42, The Public Health and Welfare.

AMENDMENTS

2009—Par. (3). Pub. L. 111-39 substituted “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’” for “the Family Educational Rights and Privacy Act of 1974”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2009 AMENDMENT**

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1161I-6. Online survey tool for campus safety**(a) In general**

The Secretary of Education, in consultation with the Attorney General, the Director of the Centers for Disease Control and Prevention, the Secretary of Health and Human Services, and experts in domestic violence, dating violence, sexual assault, sexual harassment, and stalking, shall develop, design, and make available through a secure and accessible online portal, a standardized online survey tool regarding post-secondary student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking.

(b) Development of survey tool

In developing the survey tool required under subsection (a), the Secretary of Education shall—

(1) use best practices from peer-reviewed research measuring domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

(2) consult with the higher education community, experts in survey research related to domestic violence, dating violence, sexual assault, sexual harassment, and stalking, and organizations engaged in the prevention of and response to, and advocacy on behalf of victims of, domestic violence, dating violence, sexual assault, sexual harassment, and stalking, including victims from culturally specific populations and victims with disabilities, regarding the development and design of such survey tool and the methodology for administration of such survey tool; and

(3) ensure that the survey tool is readily accessible to and usable by individuals with disabilities.

(c) Elements**(1) In general**

The survey tool developed pursuant to this section shall be fair and unbiased, be scientifically valid and reliable, meet the highest standards of survey research, and notify the