

115TH CONGRESS
1ST SESSION

S. 1866

AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. ALLOCATION AND USE OF CAMPUS-BASED HIGHER**
7 **EDUCATION ASSISTANCE.**

8 (a) DEFINITIONS.—In this section:

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

18 (2) AFFECTED STUDENT.—The term “affected
19 student” means an individual who has applied for or
20 received student financial assistance under title IV
21 of the Higher Education Act of 1965 (20 U.S.C.
22 1070 et seq.), and who—

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

1 (B) is a dependent student who was en-
2 rolled or accepted for enrollment on August 25,
3 2017, at an institution of higher education that
4 is not located in an affected area, but whose
5 parent or parents resided or was employed on
6 August 25, 2017, in an affected area; or

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

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

16 (4) SECRETARY.—The term “Secretary” means
17 the Secretary of Education.

18 (b) WAIVERS.—

19 (1) WAIVER OF NON-FEDERAL SHARE REQUIRE-
20 MENT.—Notwithstanding sections 413C(a)(2) and
21 443(b)(5) of the Higher Education Act of 1965 (20
22 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with re-
23 spect to funds made available for award years 2016–
24 2017 and 2017–2018—

1 (A) in the case of an institution of higher
2 education that is located in an affected area,
3 the Secretary shall waive the requirement that
4 a participating institution of higher education
5 provide a non-Federal share to match Federal
6 funds provided to the institution for the pro-
7 grams authorized pursuant to subpart 3 of part
8 A and part C of title IV of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1070b et seq.
10 and 1087–51 et seq.); and

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

19 (2) WAIVER OF REALLOCATION RULES.—

20 (A) AUTHORITY TO REALLOCATE.—Not-
21 withstanding sections 413D(d) and 442(d) of
22 the Higher Education Act of 1965 (20 U.S.C.
23 1070b–3(d) and 1087–52(d)), the Secretary
24 shall—

1 (i) reallocate any funds returned
2 under such section 413D or 442 of the
3 Higher Education Act of 1965 that were
4 allocated to institutions of higher education
5 for award year 2016–2017 to an institu-
6 tion of higher education that is eligible
7 under subparagraph (B); and

8 (ii) waive the allocation reduction for
9 award year 2018–2019 for an institution
10 of higher education that is eligible under
11 subparagraph (B) returning more than 10
12 percent of its allocation under such section
13 413D or 442 of the Higher Education Act
14 of 1965 for award year 2017–2018.

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

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

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

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

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

6 (i) determine the manner in which ex-
7 cess allocations will be reallocated pursu-
8 ant to this paragraph; and

9 (ii) give preference in making realloca-
10 tions to the needs of institutions of higher
11 education located in an affected area.

12 (D) ADDITIONAL WAIVER AUTHORITY.—
13 Notwithstanding any other provision of law, in
14 order to carry out this paragraph, the Secretary
15 may waive or modify any statutory or regu-
16 latory provision relating to the reallocation of
17 excess allocations under subpart 3 of part A or
18 part C of title IV of the Higher Education Act
19 of 1965 (20 U.S.C. 1070b et seq. and 1087–51
20 et seq.) in order to ensure that assistance is re-
21 ceived by institutions of higher education that
22 are eligible under subparagraph (B).

23 (3) AVAILABILITY OF FUNDS DATE EXTEN-
24 SION.—Notwithstanding any other provision of
25 law—

1 (A) any funds available to the Secretary
2 under sections 413A and 441 of the Higher
3 Education Act of 1965 (20 U.S.C. 1070b and
4 1087–51) for which the period of availability
5 would otherwise expire on September 30, 2017,
6 shall be available for obligation by the Secretary
7 until September 30, 2018, for the purposes of
8 the programs authorized pursuant to subpart 3
9 of part A and part C of title IV of the Higher
10 Education Act of 1965 (20 U.S.C. 1070b et
11 seq. and 1087–51 et seq.); and

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

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

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

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

9 (2) the total volume of the non-Federal share
 10 waived for each institution of higher education under
 11 subsection (b)(1).

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

14 **SEC. 3. PROJECT SERV AND EQUITABLE SERVICES FOR**
 15 **CHILDREN AND TEACHERS IN PRIVATE**
 16 **SCHOOLS.**

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

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

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

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

1 “(F) section 4631, with regard to Project
2 SERV.”.

Passed the Senate September 26, 2017.

Attest:

Secretary.

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