AMENDMENT TO
RULES COMMITTEE PRINT 116–57
OFFERED BY MS. PLASKETT OF VIRGIN ISLANDS

At the end of subtitle E of title XVII, add the following new section:

SEC. 17. WAIVER AUTHORITY WITH RESPECT TO INSTITUTIONS LOCATED IN AN AREA AFFECTED BY HURRICANE MARIA.

(a) WAIVER AUTHORITY.—Notwithstanding any other provision of law, unless enacted with specific reference to this section or section 392 of the Higher Education Act of 1965 (20 U.S.C. 1068a), for any affected institution that was receiving assistance under title III of such Act (20 U.S.C. 1051 et seq.) at the time of a covered hurricane disaster, the Secretary of Education shall, for each of the fiscal years 2020 through 2022 (and may, for each of the fiscal years 2023 and 2024)—

(1) waive—

(A) the eligibility data requirements set forth in section 391(d) of the Higher Education Act of 1965 (20 U.S.C. 1068(d));
(B) the wait-out period set forth in section 313(d) of the Higher Education Act of 1965 (20 U.S.C. 1059(d));

(C) the allotment requirements under section 324 of the Higher Education Act of 1965 (20 U.S.C. 1063); and

(D) the use of the funding formula developed pursuant to section 326(f)(3) of the Higher Education Act of 1965 (20 U.S.C. 1063b(f)(3));

(2) waive or modify any statutory or regulatory provision to ensure that affected institutions that were receiving assistance under title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) at the time of a covered hurricane disaster are not adversely affected by any formula calculation for fiscal year 2020 or for any of the four succeeding fiscal years, as necessary; and

(3) make available to each affected institution an amount that is not less than the amount made available to such institution under title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) for fiscal year 2017, except that for any fiscal year for which the funds appropriated for payments under such title are less than the appropriated level
for fiscal year 2017, the amount made available to such institutions shall be ratably reduced among the institutions receiving funds under such title.

(b) DEFINITIONS.—In this section:

(1) AFFECTED INSTITUTION.—The term “affected institution” means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that—

(A) is—

(i) a part A institution (which term shall have the meaning given the term “eligible institution” under section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b))); or

(ii) a part B institution, as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), or as identified in section 326(e) of such Act (20 U.S.C. 1063b(e));

(B) is located in a covered area affected by a hurricane disaster; and

(C) is able to demonstrate that, as a result of the impact of a covered hurricane disaster, the institution—

(i) incurred physical damage;
(ii) has pursued collateral source compensation from insurance, the Federal Emergency Management Agency, and the Small Business Administration, as appropriate; and

(iii) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane enrollment levels during the 30-day period beginning on September 7, 2017.

(2) COVERED AREA AFFECTED BY A HURRICANE DISASTER.—The term “covered area affected by a hurricane disaster” means an area for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Maria.

(3) COVERED HURRICANE DISASTER.—The term “covered hurricane disaster” means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), and that was caused by Hurricane Maria or Hurricane Irma.