

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:

1 **SEC. 17__ . WAIVER AUTHORITY WITH RESPECT TO INSTITU-**
2 **TIONS LOCATED IN AN AREA AFFECTED BY**
3 **HURRICANE MARIA.**

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

13 (1) waive—

14 (A) the eligibility data requirements set
15 forth in section 391(d) of the Higher Education
16 Act of 1965 (20 U.S.C. 1068(d));

1 (B) the wait-out period set forth in section
2 313(d) of the Higher Education Act of 1965
3 (20 U.S.C. 1059(d));

4 (C) the allotment requirements under sec-
5 tion 324 of the Higher Education Act of 1965
6 (20 U.S.C. 1063); and

7 (D) the use of the funding formula devel-
8 oped pursuant to section 326(f)(3) of the High-
9 er Education Act of 1965 (20 U.S.C.
10 1063b(f)(3));

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

19 (3) make available to each affected institution
20 an amount that is not less than the amount made
21 available to such institution under title III of the
22 Higher Education Act of 1965 (20 U.S.C. 1051 et
23 seq.) for fiscal year 2017, except that for any fiscal
24 year for which the funds appropriated for payments
25 under such title are less than the appropriated level

1 for fiscal year 2017, the amount made available to
2 such institutions shall be ratably reduced among the
3 institutions receiving funds under such title.

4 (b) DEFINITIONS.—In this section:

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

9 (A) is—

10 (i) a part A institution (which term
11 shall have the meaning given the term “eli-
12 gible institution” under section 312(b) of
13 the Higher Education Act of 1965 (20
14 U.S.C. 1058(b))); or

15 (ii) a part B institution, as such term
16 is defined in section 322(2) of the Higher
17 Education Act of 1965 (20 U.S.C.
18 1061(2)), or as identified in section 326(e)
19 of such Act (20 U.S.C. 1063b(e));

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

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

25 (i) incurred physical damage;

1 (ii) has pursued collateral source com-
2 pensation from insurance, the Federal
3 Emergency Management Agency, and the
4 Small Business Administration, as appro-
5 priate; and

6 (iii) was not able to fully reopen in ex-
7 isting facilities or to fully reopen to the
8 pre-hurricane enrollment levels during the
9 30-day period beginning on September 7,
10 2017.

11 (2) COVERED AREA AFFECTED BY A HURRI-
12 CANE DISASTER.—The term “covered area affected
13 by a hurricane disaster” means an area for which
14 the President declared a major disaster under sec-
15 tion 401 of the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42 U.S.C. 5170) as
17 a result of Hurricane Maria.

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

