

109TH CONGRESS  
1ST SESSION

# S. 1764

To provide for the continued education of students affected by Hurricane Katrina.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2005

Mrs. HUTCHISON (for herself, Ms. LANDRIEU, and Mr. CORNYN) introduced the following bill; which was read twice, considered, read the third time, and passed

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## A BILL

To provide for the continued education of students affected by Hurricane Katrina.

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. DEFINITION OF STUDENT AFFECTED BY HUR-**  
4 **RICANE KATRINA.**

5 In this Act, the term “student affected by Hurricane  
6 Katrina” means a student who resides or resided on Au-  
7 gust 22, 2005 in an area, or is enrolled or was enrolled  
8 on August 22, 2005 in a school located in an area, for  
9 which a major disaster has been declared in accordance  
10 with section 401 of the Robert T. Stafford Disaster Relief

1 and Emergency Assistance Act (42 U.S.C. 5170) as a re-  
2 sult of Hurricane Katrina.

3 **SEC. 2. EDUCATION EXPENSES.**

4 (a) IN GENERAL.—Upon the request of the Secretary  
5 of Education, the Secretary of Homeland Security may  
6 transfer any funds made available to the Federal Emer-  
7 gency Management Agency “Disaster Relief Fund” for  
8 Hurricane Katrina to the Department of Education for  
9 the education of students affected by Hurricane Katrina.  
10 Such funds shall only be used for expenditures for activi-  
11 ties of educational agencies authorized under Federal law  
12 within the jurisdiction of the Department of Education,  
13 and for the following activities in support of students af-  
14 fected by Hurricane Katrina:

15 (1) Paying the compensation of personnel, in-  
16 cluding teacher aides, to provide instructional serv-  
17 ices.

18 (2) Paying the operational costs incurred by  
19 educational agencies as a result of educating such  
20 students.

21 (3) Purchasing instructional materials and  
22 equipment, including textbooks, used to educate such  
23 students.

1 (b) SPECIAL RULE.—Notwithstanding any other pro-  
2 vision of this section, funds may be used for expenditures  
3 described in subsection (a) only if—

4 (1) the Secretary of Education makes a deter-  
5 mination that such expenditures constitute an imme-  
6 diate need for the relief of students affected by Hur-  
7 ricane Katrina; and

8 (2) funds are not made available for such ac-  
9 tivities from other Federal sources.

10 **SEC. 3. AVAILABILITY OF FUNDS.**

11 (a) IN GENERAL.—Notwithstanding any other provi-  
12 sion of law, any funds available to the Secretary of Edu-  
13 cation, the authority for which would be cancelled or oth-  
14 erwise expire on September 30, 2005, shall be available  
15 for obligation by the Secretary until September 30, 2006,  
16 but only to meet educational needs of students affected  
17 by Hurricane Katrina.

18 (b) EMERGENCY DESIGNATION.—Any funds available  
19 for obligation pursuant to subsection (a) are designated  
20 as an emergency requirement pursuant to section 402 of  
21 H. Con. Res. 95 (109th Congress).

22 **SEC. 4. ADVANCED NOTIFICATION OF CONGRESS.**

23 (a) DEPARTMENT OF EDUCATION APPROPRIATIONS  
24 ACT, 2005.—Section 304 of the Department of Education

1 Appropriations Act, 2005 (Public Law 108–447) is  
2 amended by striking “15 days” and inserting “3 days”.

3 (b) CONSOLIDATED APPROPRIATIONS ACT, 2005.—

4 Section 517 of the Departments of Labor, Health and  
5 Human Services, and Education, and Related Agencies  
6 Appropriations Act, 2005 (Public Law 108–447) is  
7 amended—

8 (1) in subsection (a), by striking “15 days” and  
9 inserting “3 days”; and

10 (2) in subsection (b), by striking “15 days” and  
11 inserting “3 days”.

12 **SEC. 5. SUNSET.**

13 This Act shall be effective for the period beginning  
14 on the date of enactment of this Act and ending on Sep-  
15 tember 30, 2006.

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