

110TH CONGRESS  
1ST SESSION

# H. R. 3946

To provide for a temporary waiver under part B of title III of the Higher Education Act of 1965 for undergraduate historically black colleges and universities located in an area affected by a Gulf hurricane disaster.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 2007

Mr. JEFFERSON (for himself, Mr. MELANCON, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. PAYNE, and Ms. CLARKE) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To provide for a temporary waiver under part B of title III of the Higher Education Act of 1965 for undergraduate historically black colleges and universities located in an area affected by a Gulf hurricane disaster.

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 “Historically Black Col-  
5 leges and Universities Katrina and Rita Relief Act of  
6 2007”.

1 **SEC. 2. WAIVER AUTHORITY.**

2 (a) IN GENERAL.—Not withstanding any other provi-  
3 sion of the law, unless enacted with specific reference to  
4 this section, the Secretary of Education shall waive or  
5 modify any statutory or regulatory provision related to the  
6 strengthening institutions program under part B of title  
7 III of the Higher Education Act of 1965 (20 U.S.C. 1066  
8 et seq.) in connection with a Gulf hurricane disaster to  
9 ensure that—

10 (1) institutions of higher education that were  
11 receiving assistance at the time of a Gulf hurricane  
12 disaster are not adversely impacted by the formula  
13 calculation for the 2007–2012 funding cycle under  
14 such part B; and

15 (2) any affected institution of higher education  
16 can, under section 322 of such Act, sustain its fiscal  
17 year 2006 level of title III funding to assist in insti-  
18 tutional recovery from a Gulf hurricane disaster.

19 (b) ALLOTMENTS TO INSTITUTIONS.—For the pur-  
20 pose of calculating the allotments of grants to affected in-  
21 stitutions, the Secretary of Education shall waive the allot-  
22 ment calculation under subsections (a), (b), and (c) of sec-  
23 tion 324 of the Higher Education Act of 1965 (20 U.S.C.  
24 1051 et seq.), and allot an amount to each affected institu-  
25 tion not less than the amount allotted in fiscal year 2006,  
26 for fiscal years 2009–2012.

1 (c) NOTICE.—The Secretary shall notify each institu-  
2 tion of higher education affected by the provisions of this  
3 section.

4 **SEC. 3. DEFINITIONS.**

5 For purposes of this Act:

6 (1) AFFECTED INSTITUTION.—The term “af-  
7 fected institution” means an institution of higher  
8 education that is—

9 (A) a part B institution as such term is  
10 defined in section 322(2) of the Higher Edu-  
11 cation Act of 1965 (20 U.S.C. 1061);

12 (B) located in an area affected by a Gulf  
13 hurricane disaster; and

14 (C) able to demonstrate that the institu-  
15 tion—

16 (i) incurred physical damage resulting  
17 from the impact of Hurricane Katrina or  
18 Rita;

19 (ii) has pursued collateral source com-  
20 pensation from insurance, the Federal  
21 Emergency Management Agency, or the  
22 Small Business Administration, as appro-  
23 priate; and

1                   (iii) was not able to fully reopen in ex-  
2                   isting facilities or fully reopen to the pre-  
3                   hurricane levels for 30 days or more.

4                   (2) OTHER TERMS.—The terms “area affected  
5                   by a Gulf hurricane disaster” and “Gulf hurricane  
6                   disaster” have the meanings given such terms in sec-  
7                   tion 209 of the Higher Education Hurricane Relief  
8                   Act of 2005 (Public Law 109–148, 119 Stat. 2809).

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