

ENCLOSURE 1

Excerpts from the Bipartisan Budget Act of 2018, P.L. 115-123

DEPARTMENT OF EDUCATION

HURRICANE EDUCATION RECOVERY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Hurricane Education Recovery” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, or wildfires in 2017 for which a major disaster or emergency has been declared under sections 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5190) (referred to under this heading as “covered disaster or emergency”), \$2,700,000,000, to remain available through September 30, 2022, for assisting in meeting the educational needs of individuals affected by a covered disaster or emergency: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That—

(1) such funds shall be used—

(A) to make awards to eligible entities for immediate aid to restart school operations, in accordance with paragraph (2);

(B) for temporary emergency impact aid for displaced students, in accordance with paragraph (2);

(C) for emergency assistance to institutions of higher education and students attending institutions of higher education in an area directly affected by a covered disaster or emergency in accordance with paragraph (3);

(D) for payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education directly affected by a covered disaster or emergency, in accordance with paragraph (4); and

(E) to provide assistance to local educational agencies serving homeless children and youth in accordance with paragraph (5);

(2) immediate aid to restart school operations and temporary emergency impact aid for displaced students described in subparagraphs (A) and (B) of paragraph (1) shall be provided under the statutory terms and conditions that applied to assistance under sections 102 and 107 of title IV of division B of Public Law 109–148, respectively, except that such sections shall be applied so that—

(A) each reference to a major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) shall be to a major disaster or emergency declared by the President in accordance with section 401 or 501, respectively, of such Act;

(B) each reference to Hurricane Katrina or Hurricane Rita shall be a reference to a covered disaster or emergency;

(C) each reference to August 22, 2005 shall be to the date that is one week prior to the date that the major disaster or emergency was declared for the area;

(D) each reference to the States of Louisiana, Mississippi, Alabama, and Texas shall be to the States or territories affected by a covered disaster or emergency, and each reference to the State educational agencies of Louisiana, Mississippi, Alabama, or Texas shall be a reference to the State educational agencies that serve the states or territories affected by a covered disaster or emergency;

(E) each reference to the 2005–2006 school year shall be to the 2017–2018 school year;

(F) the references in section 102(h)(1) of title IV of division B of Public Law 109–148 to the number of non-public and public elementary schools and secondary schools in the State shall be to the number of students in non-public and public elementary schools and secondary schools in the State, and the reference in such section to the National Center for Data Statistics Common Core of Data for the 2003–2004 school year shall be to the most recent and appropriate data set for the 2016–2017 school year;

(G) in determining the amount of immediate aid provided to restart school operations as described in section 102(b) of title IV of division B of Public Law 109–148, the Secretary shall consider the number of students enrolled, during the 2016–2017 school year, in elementary schools and secondary schools that were closed as a result of a covered disaster or emergency;

(H) in determining the amount of emergency impact aid that a State educational agency is eligible to receive under paragraph (1)(B), the Secretary shall, subject to section 107(d)(1)(B) of such title, provide—

(i) \$9,000 for each displaced student who is an English learner, as that term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(ii) \$10,000 for each displaced student who is a child with a disability (regardless of whether the child is an English learner); and

(iii) \$8,500 for each displaced student who is not a child with a disability or an English learner;

(I) with respect to the emergency impact aid provided under paragraph (1)(B), the Secretary may modify the State educational agency and local educational agency application timelines in section 107(c) of such title; and

(J) each reference to a public elementary school may include, as determined by the local educational agency, a publicly-funded preschool program that enrolls children below the age of kindergarten entry and is part of an elementary school;

(3) \$100,000,000 of the funds made available under this heading shall be for programs authorized under subpart 3 of Part A, part C of title IV and part B of title VII of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq., 1138 et seq.) for institutions located in an area affected by a covered disaster or emergency, and students enrolled in such institutions, except that—

(A) any requirements relating to matching, Federal share, reservation of funds, or maintenance of effort under such parts that would otherwise be applicable to that assistance shall not apply;

(B) such assistance may be used for student financial assistance;

(C) such assistance may also be used for faculty and staff salaries, equipment, student supplies and instruments, or any purpose authorized under the Higher Education Act of 1965, by institutions of higher education that are located in areas affected by a covered disaster or emergency; and

(D) the Secretary shall prioritize, to the extent possible, students who are homeless or at risk of becoming homeless as a result of displacement, and institutions that have sustained extensive damage, by a covered disaster or emergency;

(4) up to \$75,000,000 of the funds made available under this heading shall be for payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education at which operations have been disrupted by a covered disaster or emergency, in accordance with criteria established by the Secretary and made publicly available;

(5) \$25,000,000 of the funds made available under this heading shall be available to provide assistance to local educational agencies serving homeless children and youths displaced by a covered disaster or emergency, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435) and with section 106 of title IV of division B of Public Law 109–148, except that funds shall be disbursed based on demonstrated need and the number

of homeless children and youth enrolled as a result of displacement by a covered disaster or emergency;

(6) section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, shall not apply to activities under this heading;

(7) \$4,000,000 of the funds made available under this heading, to remain available until expended, shall be transferred to the Office of the Inspector General of the Department of Education for oversight of activities supported with funds appropriated under this heading, and up to \$3,000,000 of the funds made available under this heading shall be for program administration;

(8) up to \$35,000,000 of the funds made available under this heading shall be to carry out activities authorized under section 4631(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7281(b)): *Provided*, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated under this paragraph;

(9) the Secretary may waive, modify, or provide extensions for certain requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for affected individuals, affected students, and affected institutions in covered disaster or emergency areas in the same manner as the Secretary was authorized to waive, modify, or provide extensions for certain requirements of such Act under provisions of subtitle B of title IV of division B of Public Law 109–148 for affected individuals, affected students, and affected institutions in areas affected by Hurricane Katrina and Hurricane Rita, except that the cost associated with any action taken by the Secretary under this paragraph is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(10) if any provision under this heading or application of such provision to any person or circumstance is held to be unconstitutional, the remainder of the provisions under this heading and the application of such provisions to any person or circumstance shall not be affected thereby.

#### GENERAL PROVISION—DEPARTMENT OF EDUCATION

SEC. 20804. (a) Notwithstanding any other provision of law, the Secretary of Education is hereby authorized to forgive any outstanding balance owed to the Department of Education under the HBCU Hurricane Supplemental Loan program established pursuant to section 2601 of Public Law 109–234, as modified by section 307 of title III of division F of the Consolidated Appropriations Act, 2012 (Public Law 112–74), as carried forward by the Continuing Appropriations Resolution, 2013 (Public Law 112–175).

(b) There are authorized to be appropriated, and there are hereby appropriated, such sums as may be necessary to carry out subsection (a): *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balance Budget and Emergency Deficit Control Act of 1985.

## GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

~~SEC. 20805. Funds appropriated to the Department of Health and Human Services by this title may be transferred to, and merged with, other appropriation accounts under the headings “Centers for Disease Control and Prevention” and “Public Health and Social Services Emergency Fund” for the purposes specified in this title following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations in the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division H of Public Law 115–31 or section 241(a) of the PHS Act.~~

~~SEC. 20806. Not later than 30 days after enactment of this subdivision, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: *Provided*, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until all funds are expended or expire.~~

~~SEC. 20807. Unless otherwise provided for by this title, the additional amounts appropriated by this title to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2018.~~

~~TITLE IX~~~~LEGISLATIVE BRANCH~~~~GOVERNMENT ACCOUNTABILITY OFFICE~~~~SALARIES AND EXPENSES~~

~~For an additional amount for “Salaries and Expenses”, \$14,000,000, to remain available until expended, for audits and investigations relating to Hurricanes Harvey, Irma, and Maria and the 2017 wildfires: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.~~

~~TITLE X~~~~DEPARTMENT OF DEFENSE~~~~MILITARY CONSTRUCTION, NAVY AND MARINE CORPS~~

~~For an additional amount for “Military Construction, Navy and Marine Corps”, \$201,636,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That none of~~