

# Calendar No. 213

109TH CONGRESS  
1ST SESSION

# S. 1715

To provide relief for students and institutions affected by Hurricane Katrina,  
and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2005

Mr. ENZI (for himself and Mr. KENNEDY) introduced the following bill; which  
was read the first time

SEPTEMBER 19, 2005

Read the second time and placed on the calendar

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## A BILL

To provide relief for students and institutions affected by  
Hurricane Katrina, and for other purposes.

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. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

Sec. 1. Table of contents.

Sec. 2. Sunset provision.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION  
ASSISTANCE

Sec. 101. Waivers and other actions.

- Sec. 102. Providing additional support for students affected by Hurricane Katrina.
- Sec. 103. Immediate aid to restart school operations.
- Sec. 104. Use of 2004–2005 child count for ESEA and IDEA funding for sending local educational agencies.
- Sec. 105. Payments for receiving local educational agencies.
- Sec. 106. Teacher and paraprofessional reciprocity; delay.
- Sec. 107. Assistance for homeless youth.

#### TITLE II—HIGHER EDUCATION

- Sec. 201. Definitions.
- Sec. 202. Waiver authority and modifications to certain provisions of the Higher Education Act of 1965.
- Sec. 203. General waiver authority and required consultation.
- Sec. 204. Notice of waivers, modifications, or extensions.

#### TITLE III—EMERGENCY AND DISASTER ASSISTANCE TO INDIVIDUALS WITH DISABILITIES

##### Subtitle A—Assistance for Children With Disabilities

- Sec. 311. Definitions.
- Sec. 312. Use of 2004–2005 numbers of children for IDEA funding for sending states.
- Sec. 313. Support for local educational agencies receiving children affected by Hurricane Katrina.

##### Subtitle B—Assistance for Individuals With Disabilities

- Sec. 321. Rehabilitation Act of 1973.
- Sec. 322. Assistive Technology Act of 1998.

#### TITLE IV—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990

- Sec. 401. Short title.
- Sec. 402. Waiver authority to expand the availability of services under Child Care and Development Block Grant Act of 1990.
- Sec. 403. Technical assistance and guidance.
- Sec. 404. Authorization of appropriations.

#### TITLE V—HEAD START PROGRAMS

- Sec. 501. Definitions.
- Sec. 502. Income eligibility and documentation waivers.
- Sec. 503. Technical assistance, guidance, and resources.
- Sec. 504. Authorization of appropriations.

#### TITLE VI—DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT

- Sec. 601. Department of Education Inspector General audit and report.

1 **SEC. 2. SUNSET PROVISION.**

2 The provisions of this Act (other than section 202(b))  
 3 shall be effective for the period beginning on the date of  
 4 enactment of this Act and ending on September 30, 2006.

5 **TITLE I—ELEMENTARY AND SEC-**  
 6 **ONDARY EDUCATION ASSIST-**  
 7 **ANCE**

8 **SEC. 101. WAIVERS AND OTHER ACTIONS.**

9 (a) **CURRENT WAIVER AND OTHER AUTHORITY.—**  
 10 The Secretary of Education is encouraged to exercise the  
 11 maximum waiver authority available or exercise other ac-  
 12 tions for States, local educational agencies, and schools  
 13 affected by Hurricane Katrina with respect to the waiver  
 14 authority or authorization of actions provided under the  
 15 following provisions of the Elementary and Secondary  
 16 Education Act of 1965 (20 U.S.C. 6301 et seq.):

17 (1) Section 1111(b)(3)(C)(vii) of such Act (20  
 18 U.S.C. 6311(b)(3)(C)(vii)).

19 (2) Section 1111(b)(7) of such Act (20 U.S.C.  
 20 6311(b)(7)).

21 (3) Section 1111(c)(1) of such Act (20 U.S.C.  
 22 6311(c)(1)).

23 (4) Section 1111(h)(2)(A)(i) of such Act (20  
 24 U.S.C. 6311(h)(2)(A)(i)).

25 (5) Section 1116(b)(7)(D) of such Act (20  
 26 U.S.C. 6316(b)(7)(D)).

1           (6) Section 1116(c)(10)(F) of such Act (20  
2 U.S.C. 6316(c)(10)(F)).

3           (7) Section 1125A(e)(3) of such Act (20 U.S.C.  
4 6337(e)(3)).

5           (8) Section 3122(a)(3)(B) of such Act (20  
6 U.S.C. 6842(a)(3)(B)).

7           (9) Section 5141(c) of such Act (20 U.S.C.  
8 7217(e)).

9           (10) Section 7118(c)(3)(A) of such Act (20  
10 U.S.C. 7428(c)(3)(A)).

11           (11) Section 9521(c) of such Act (20 U.S.C.  
12 7901(e)).

13           (b) REPORT ON WAIVERS.—Not later than December  
14 31, 2005, the Secretary of Education shall prepare and  
15 submit a report on the States requesting a waiver of any  
16 provision under the Elementary and Secondary Education  
17 Act of 1965 (20 U.S.C. 6301 et seq.) due to the impact  
18 of Hurricane Katrina to the Committee on Education and  
19 the Workforce of the House of Representatives and the  
20 Committee on Health, Education, Labor, and Pensions of  
21 the Senate.

22 **SEC. 102. PROVIDING ADDITIONAL SUPPORT FOR STU-**  
23 **DENTS AFFECTED BY HURRICANE KATRINA.**

24           (a) GRANTS AUTHORIZED.—From amounts appro-  
25 priated under subsection (d), the Secretary of Education

1 is authorized to make grants to eligible local educational  
2 agencies to enable such agencies to provide, to students  
3 displaced or affected by Hurricane Katrina—

4 (1) supplemental educational services consistent  
5 with the definitions, criteria, and amounts estab-  
6 lished under section 1116(e) of the Elementary and  
7 Secondary Education Act of 1965 (20 U.S.C.  
8 6316(e)); or

9 (2) additional programs and activities under  
10 part B of title IV of the Elementary and Secondary  
11 Education Act of 1965 (20 U.S.C. 7171 et seq.) re-  
12 lating to 21st century community learning centers.

13 (b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL  
14 AGENCY.—In this section, the term “eligible local edu-  
15 cational agency” means—

16 (1) a local educational agency in an area in  
17 which a major disaster has been declared in accord-  
18 ance with section 401 of the Robert T. Stafford Dis-  
19 aster Relief and Emergency Assistance Act (42  
20 U.S.C. 5170) related to Hurricane Katrina; or

21 (2) a local educational agency that enrolls a sig-  
22 nificant number of students displaced from an area  
23 where a major disaster has been declared in accord-  
24 ance with section 401 of the Robert T. Stafford Dis-  
25 aster Relief and Emergency Assistance Act (42

1 U.S.C. 5170) related to Hurricane Katrina, as com-  
2 pared to the total student enrollment in the schools  
3 served by the agency.

4 (c) INTERACTION WITH THE ESEA.—

5 (1) SUPPLEMENTAL EDUCATIONAL SERVICES.—

6 An eligible local educational agency providing serv-  
7 ices described in subsection (a)(1) may provide such  
8 services to a student displaced by Hurricane Katrina  
9 regardless of the status of the school such student  
10 attends under section 1116(b) of the Elementary  
11 and Secondary Education Act of 1965 (20 U.S.C.  
12 6316(b)).

13 (2) SPECIAL RULE.—Section 9534(a) of the El-  
14 ementary and Secondary Education Act of 1965 (20  
15 U.S.C. 7914(a)) shall apply to the services, pro-  
16 grams, and activities funded under this section.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this section  
19 \$100,000,000 for fiscal year 2006.

20 **SEC. 103. IMMEDIATE AID TO RESTART SCHOOL OPER-**  
21 **ATIONS.**

22 (a) PURPOSE.—It is the purpose of this section—

23 (1) to provide immediate and direct assistance  
24 to local educational agencies in Louisiana, Mis-  
25 sissippi, and Alabama that serve an area in which a

1 major disaster has been declared in accordance with  
2 section 401 of the Robert T. Stafford Disaster Relief  
3 and Emergency Assistance Act (42 U.S.C. 5170),  
4 related to Hurricane Katrina;

5 (2) to assist school district administrators and  
6 personnel of such agencies who are working to re-  
7 start operations in elementary schools and secondary  
8 schools served by such agencies; and

9 (3) to facilitate the re-opening of elementary  
10 schools and secondary schools served by such agen-  
11 cies and the re-enrollment of students in such  
12 schools as soon as possible.

13 (b) PAYMENTS AUTHORIZED.—From amounts appro-  
14 priated to carry out this section, the Secretary of Edu-  
15 cation is authorized to make payments in accordance with  
16 subsection (c), in November of 2005, to local educational  
17 agencies in Louisiana, Mississippi, and Alabama that  
18 serve schools certified by the Secretary as being located  
19 in an area in which a major disaster has been declared  
20 in accordance with section 401 of the Robert T. Stafford  
21 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
22 5170), related to Hurricane Katrina.

23 (c) ELIGIBILITY AND CONSIDERATION.—In deter-  
24 mining whether to award a payment under this section,

1 or the amount of the payment, the Secretary of Education  
2 shall consider the following:

3 (1) The number of school-aged children served  
4 by the local educational agency in the academic year  
5 preceding the academic year for which the payment  
6 is awarded.

7 (2) The severity of the impact of Hurricane  
8 Katrina on the local educational agency and the ex-  
9 tent of the needs in each local educational agency in  
10 Louisiana, Mississippi, and Alabama that is in an  
11 area in which a major disaster has been declared in  
12 accordance with section 401 of the Robert T. Staf-  
13 ford Disaster Relief and Emergency Assistance Act  
14 (42 U.S.C. 5170), related to Hurricane Katrina.

15 (d) APPLICATIONS.—Each local educational agency  
16 desiring a payment under this section shall submit an ap-  
17 plication to the Secretary of Education at such time, in  
18 such manner, and accompanied by such information as the  
19 Secretary of Education may require.

20 (e) USES OF FUNDS.—

21 (1) IN GENERAL.—A local educational agency  
22 receiving a payment under this section shall use the  
23 payment for—

24 (A) recovery of student and personnel  
25 data, and other electronic information;

1 (B) replacement of school district informa-  
2 tion systems, including hardware and software;

3 (C) financial operations;

4 (D) rental of mobile educational units and  
5 leasing of neutral sites or spaces;

6 (E) initial replacement of instructional ma-  
7 terials and equipment, including textbooks;

8 (F) redeveloping instructional plans, in-  
9 cluding curriculum development;

10 (G) initiating and maintaining education  
11 and support services; and

12 (H) such other activities related to the  
13 purpose of this section that are approved by the  
14 Secretary.

15 (2) PROHIBITIONS.—Payments received under  
16 this section shall not be used for any of the fol-  
17 lowing:

18 (A) Construction or renovation of schools.

19 (B) Payments to school administrators or  
20 teachers who are not actively engaged in re-  
21 starting or re-opening schools.

22 (f) SUPPLEMENT NOT SUPPLANT.—Funds made  
23 available under this section shall be used to supplement,  
24 not supplant, any funds made available through the Fed-  
25 eral Emergency Management Agency or through a State.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$900,000,000 for fiscal year 2006.

4 **SEC. 104. USE OF 2004–2005 CHILD COUNT FOR ESEA AND**  
5 **IDEA FUNDING FOR SENDING LOCAL EDU-**  
6 **CATIONAL AGENCIES.**

7 In calculating funding under part A of title I of the  
8 Elementary and Secondary Education Act of 1965 (20  
9 U.S.C. 6311 et seq.) and part B of the Individuals with  
10 Disabilities Education Act (20 U.S.C. 1411 et seq.) for  
11 the 2006–2007 school year for a local educational agency,  
12 the Secretary of Education shall use the child count appli-  
13 cable for such agency that was calculated for the 2004–  
14 2005 school year if—

15 (1) such agency serves an area in which the  
16 President has declared that a major disaster exists  
17 in accordance with section 401 of the Robert T.  
18 Stafford Disaster Relief and Emergency Assistance  
19 Act (42 U.S.C. 5170), related to Hurricane Katrina;  
20 and

21 (2) such agency, for the 2006–2007 school  
22 year, has a net loss of students as compared with  
23 the 2004–2005 school year.

1 **SEC. 105. PAYMENTS FOR RECEIVING LOCAL EDUCATIONAL**  
2 **AGENCIES.**

3 (a) PAYMENTS AUTHORIZED.—

4 (1) IN GENERAL.—Not later than December of  
5 2005 and not later than 5 months after the date of  
6 the first payment made under this paragraph, the  
7 Secretary of Education shall make payments to eligi-  
8 ble local educational agencies in accordance with  
9 subsection (d) to enable the agencies to improve the  
10 instruction of the displaced students served by the  
11 agencies.

12 (2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
13 CIES.—A local educational agency is eligible to re-  
14 ceive a payment under paragraph (1) if the agency  
15 serves an elementary school or secondary school (in-  
16 cluding a charter school) in which there is enrolled  
17 a displaced student who enrolled in such school.

18 (b) DEFINITION OF DISPLACED STUDENT.—In this  
19 section, the term “displaced student” means a student  
20 who enrolled in an elementary school or secondary school  
21 (including a charter school) served by a local educational  
22 agency because such student resides or resided on August  
23 22, 2005, in an area for which a major disaster has been  
24 declared in accordance with section 401 of the Robert T.  
25 Stafford Disaster Relief and Emergency Assistance Act  
26 (42 U.S.C. 5170), related to Hurricane Katrina.

1           (c) NUMBER OF STUDENTS.—Not later than Decem-  
2 ber 15, 2005, and April 15, 2006, each eligible local edu-  
3 cational agency shall submit to the Secretary of Education  
4 documentation that indicates the number of displaced stu-  
5 dents enrolled in the elementary schools and secondary  
6 schools (including charter schools) served by such agency,  
7 including the number of displaced students who are as-  
8 sisted under part B of the Individuals with Disabilities  
9 Education Act (20 U.S.C. 1411 et seq.).

10           (d) AMOUNT OF PAYMENTS.—The amount of a pay-  
11 ment under subsection (a) for an eligible local educational  
12 agency shall equal the sum of—

13           (1) 50 percent of the product of the number of  
14 displaced students (not including displaced students  
15 who are assisted under part B of the Individuals  
16 with Disabilities Education Act (20 U.S.C. 1411 et  
17 seq.)) served by such agency as described in sub-  
18 section (c) times the average per-pupil expenditure  
19 for the most recent fiscal year for which the infor-  
20 mation is available (but not earlier than fiscal year  
21 2003) in the State in which such agency is located,  
22 and

23           (2) 50 percent of the product of the number of  
24 displaced students served by such agency who are  
25 assisted under part B of the Individuals with Dis-

1       abilities Education Act (20 U.S.C. 1411 et seq.) as  
2       described in subsection (c) times 125 percent of the  
3       average per-pupil expenditure for the most recent  
4       fiscal year for which the information is available  
5       (but not earlier than fiscal year 2003) in the State  
6       in which such agency is located.

7       (e) DISPLACED STUDENTS NOT TO COUNT FOR ESEA  
8       AND IDEA FUNDING.—In calculating funding under part  
9       A of title I of the Elementary and Secondary Education  
10      Act of 1965 (20 U.S.C. 6311 et seq.) and part B of the  
11      Individuals with Disabilities Education Act (20 U.S.C.  
12      1411 et seq.) for a local educational agency that receives  
13      a payment under this section, the Secretary of Education  
14      shall not count, for purposes of calculating such funding  
15      under such parts, displaced students served by such agen-  
16      cy for whom a payment is received under this section.

17      (f) USE OF FUNDS.—A local educational agency re-  
18      ceiving a payment under this section shall use such pay-  
19      ment to enhance instructional opportunities for displaced  
20      students who enroll in elementary schools and secondary  
21      schools served by such agency, which uses may include—

22              (1) providing instructional services to such stu-  
23      dents;

1           (2) paying the compensation of personnel, in-  
2           cluding teacher aides, to provide instructional serv-  
3           ices to such students; and

4           (3) identifying and acquiring curricular mate-  
5           rial, including the costs of providing additional class-  
6           room supplies, and mobile educational units and  
7           leasing neutral sites or spaces.

8           (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
9           authorized to be appropriated to carry out this section  
10          \$2,500,000,000 for fiscal year 2006.

11 **SEC. 106. TEACHER AND PARAPROFESSIONAL RECI-**  
12 **PROCITY; DELAY.**

13          (a) TEACHER AND PARAPROFESSIONAL RECI-  
14          PROCITY.—

15               (1) TEACHERS.—

16                   (A) AFFECTED TEACHER.—In this sub-  
17                   section, the term “affected teacher” means a  
18                   teacher who is displaced due to Hurricane  
19                   Katrina to a State that is different from the  
20                   State in which such teacher resided before Hur-  
21                   ricane Katrina.

22                   (B) IN GENERAL.—A local educational  
23                   agency may consider an affected teacher hired  
24                   by such agency who is not highly qualified in  
25                   the State in which such agency is located to be

1 highly qualified, for purposes of section 1119 of  
2 the Elementary and Secondary Education Act  
3 of 1965 (20 U.S.C. 6319), for a period not to  
4 exceed 1 year, if such teacher was highly quali-  
5 fied, consistent with section 9101(23) of the  
6 Higher Education Act of 1965 (20 U.S.C.  
7 7801(23)), on or before August 22, 2005, in  
8 the State in which such teacher resided before  
9 Hurricane Katrina.

10 (2) PARAPROFESSIONAL.—

11 (A) AFFECTED PARAPROFESSIONAL.—In  
12 this subsection, the term “affected paraprofes-  
13 sional” means a paraprofessional who is dis-  
14 placed due to Hurricane Katrina to a State  
15 that is different from the State in which such  
16 paraprofessional resided before Hurricane  
17 Katrina.

18 (B) IN GENERAL.—A local educational  
19 agency may consider an affected paraprofes-  
20 sional hired by such agency who does not sat-  
21 isfy the requirements of section 1119(c) of the  
22 Elementary and Secondary Education Act of  
23 1965 (20 U.S.C. 6319(c)) in the State in which  
24 such agency is located to satisfy such require-  
25 ments, for purposes of such section, for a pe-

1           riod not to exceed 1 year, if such paraprofes-  
2           sional satisfied such requirements on or before  
3           August 22, 2005, in the State in which such  
4           paraprofessional resided before Hurricane  
5           Katrina.

6           (b) DELAY.—The Secretary of Education may delay,  
7           for a period not to exceed 1 year, applicability of the re-  
8           quirements of paragraphs (2) and (3) of section 1119(a)  
9           of the Elementary and Secondary Education Act of 1965  
10          (20 U.S.C. 6319(a)(2) and (3)) with respect to the States  
11          of Alabama, Louisiana, and Mississippi (and local edu-  
12          cational agencies within the jurisdiction of such States),  
13          if any such State or local educational agency demonstrates  
14          that a failure to comply with such requirements is due  
15          to exceptional or uncontrollable circumstances, such as a  
16          natural disaster or a precipitous and unforeseen decline  
17          in the financial resources of local educational agencies  
18          within the State.

19       **SEC. 107. ASSISTANCE FOR HOMELESS YOUTH.**

20          (a) IN GENERAL.—The Secretary of Education shall  
21          provide assistance to local educational agencies serving  
22          homeless children and youths displaced by Hurricane  
23          Katrina, consistent with section 723 of the McKinney-  
24          Vento Homeless Assistance Act (42 U.S.C. 11433), in-  
25          cluding identification, enrollment assistance, assessment

1 and school placement assistance, transportation, coordina-  
 2 tion of school services, supplies, referrals for health, men-  
 3 tal health, and other needs.

4 (b) EXCEPTION AND DISTRIBUTION OF FUNDS.—

5 (1) EXCEPTION.—For purposes of providing as-  
 6 sistance under subsection (a), subsections (c) and  
 7 (e)(1) of section 722 and subsections (b) and (c) of  
 8 section 723 of the McKinney-Vento Homeless Assist-  
 9 ance Act (42 U.S.C. 11432(c) and (e)(1), 11433(b)  
 10 and (c)) shall not apply.

11 (2) DISBURSEMENT.—The Secretary of Edu-  
 12 cation shall disburse funding provided under sub-  
 13 section (a) to State educational agencies based on  
 14 need, as determined by the Secretary, and such  
 15 State educational agencies shall distribute funds to  
 16 local educational agencies based on demonstrated  
 17 need, for the purposes of carrying out section 723  
 18 of the McKinney-Vento Homeless Assistance Act (42  
 19 U.S.C. 11433).

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 21 are authorized to be appropriated to carry out this section  
 22 \$50,000,000.

## 23 **TITLE II—HIGHER EDUCATION**

### 24 **SEC. 201. DEFINITIONS.**

25 In this title:

1           (1) AFFECTED BORROWER.—The term “af-  
2           fected borrower” means an individual who—

3                   (A) was in repayment on a loan made, in-  
4                   sured, or guaranteed under part B, D, or E of  
5                   the Higher Education Act of 1965 (20 U.S.C.  
6                   1071 et seq.; 1087a et seq.; 1087aa et seq.) on  
7                   August 22, 2005, or enters or entered repay-  
8                   ment after August 22, 2005 and before June  
9                   30, 2006; and

10                   (B)(i) lives or lived in an area in which an  
11                   emergency or major disaster was declared under  
12                   section 401 of the Robert T. Stafford Disaster  
13                   Relief and Emergency Assistance Act (42  
14                   U.S.C. 5170) due to the effects of Hurricane  
15                   Katrina; or

16                   (ii) worked, as of August 22, 2005, in such  
17                   an area.

18           (2) AFFECTED INSTITUTION.—The term “af-  
19           fected institution” means an institution of higher  
20           education, as defined in section 101 or 102 of the  
21           Higher Education Act of 1965 (20 U.S.C. 1001,  
22           1002) located in an area in which an emergency or  
23           major disaster was declared under section 401 of the  
24           Robert T. Stafford Disaster Relief and Emergency

1 Assistance Act due to the effects of Hurricane  
2 Katrina.

3 (3) AFFECTED STUDENT.—The term “affected  
4 student” means a student who was enrolled on Au-  
5 gust 29, 2005 in an affected institution.

6 (4) DISTANCE EDUCATION.—

7 (A) IN GENERAL.—The term “distance  
8 education” means a course or program that  
9 uses 1 or more of the technologies described in  
10 subparagraph (B) to—

11 (i) deliver instruction to students who  
12 are separated from the instructor; and

13 (ii) support regular and substantive  
14 interaction between the students and the  
15 instructor, either synchronously or asyn-  
16 chronously.

17 (B) INCLUSIONS.—For the purposes of  
18 subparagraph (A), the technologies used may  
19 include—

20 (i) the Internet;

21 (ii) one-way and two-way trans-  
22 missions through open broadcast, closed  
23 circuit, cable, microwave, broadband lines,  
24 fiber optics, satellite, or wireless commu-  
25 nications devices;

1 (iii) audio conferencing; or  
2 (iv) video cassette, DVDs, and CD-  
3 ROMs, provided that they are used in a  
4 course in conjunction with the technologies  
5 listed in clauses (i) through (iii).

6 (5) SECRETARY.—The term “Secretary” means  
7 the Secretary of Education.

8 **SEC. 202. WAIVER AUTHORITY AND MODIFICATIONS TO**  
9 **CERTAIN PROVISIONS OF THE HIGHER EDU-**  
10 **CATION ACT OF 1965.**

11 (a) WAIVER OF GRANT REPAYMENTS BY STU-  
12 DENTS.—Notwithstanding section 484B of the Higher  
13 Education Act of 1965 (20 U.S.C. 1091b), the Secretary  
14 shall waive the amounts that students would otherwise be  
15 required to return to the Department of Education with  
16 respect to any grant assistance under title IV of the High-  
17 er Education Act of 1965 (20 U.S.C. 1070 et seq.) for  
18 an affected student who was unable to attend, or whose  
19 attendance was interrupted, because of the impact of Hur-  
20 ricane Katrina on the student or an affected institution.

21 (b) EXTENSION OF PERIOD FOR REPAYMENT OF  
22 STUDENT GRANT ASSISTANCE BY AFFECTED INSTITU-  
23 TIONS.—An affected institution shall calculate the amount  
24 of Federal Pell Grant funds and Federal Supplemental  
25 Educational Opportunity Grant funds that the affected in-

1 stitution is required to return in accordance with section  
2 484B of the Higher Education Act of 1965, but the Sec-  
3 retary shall grant an extension until June 30, 2010, for  
4 the return of the funds to the Department of Education.  
5 If any affected institution does not return such grant  
6 funds in full by the July 1, 2010, the Secretary shall work  
7 out a repayment schedule with the affected institution that  
8 may include payment of interest. The Secretary may as-  
9 sess a penalty for failure to return such grant funds in  
10 full by July 1, 2010, or for failure to make a payment  
11 in accordance with a repayment schedule.

12 (c) TEMPORARY LOAN DEFERMENT FOR AFFECTED  
13 STUDENTS WHO DO NOT ENROLL IN ANOTHER INSTITU-  
14 TION.—With respect to a loan made, insured, or guaran-  
15 teed under part B, D, or E of title IV of the Higher Edu-  
16 cation Act of 1965, an affected student who does not en-  
17 roll in another institution of higher education at any time  
18 during the period beginning on August 22, 2005, and end-  
19 ing on and June 30, 2006, and is not eligible for an in-  
20 school deferment, shall be placed in deferment status for  
21 that period.

22 (d) EXTENSION OF PERIOD FOR RETURN OF LOAN  
23 PROCEEDS TO THE LENDER OR THE PERKINS LOAN  
24 FUND BY AFFECTED INSTITUTIONS.—An affected institu-  
25 tion shall calculate the amount to be credited to out-

1 standing balances on loans made, insured, or guaranteed  
2 under part B, D, or E of title IV of the Higher Education  
3 Act of 1965, but shall have until June 30, 2006 to remit  
4 the funds to the appropriate account or lender. If records  
5 related to such balances or loans were destroyed or are  
6 inaccessible as a result of Hurricane Katrina, affected in-  
7 stitutions are encouraged to use additional sources of in-  
8 formation regarding such balances or loans, such as infor-  
9 mation from lenders and guaranty agencies. In the event  
10 an affected institution does not remit such amounts as re-  
11 quired under the preceding sentence, the Secretary shall  
12 hold the affected student harmless, and shall make a pay-  
13 ment on behalf of the affected student and take such ac-  
14 tion as the Secretary determines necessary to recover the  
15 amounts from the affected institution, including interest  
16 and penalties, as the Secretary determines appropriate.

17 (e) **AUTHORITY TO EXCEED ANNUAL LOAN LIM-**  
18 **ITS.**—Notwithstanding any provision of the Higher Edu-  
19 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary  
20 shall permit an affected student to exceed the annual loan  
21 limits under part B, D, or E of title IV of the Higher  
22 Education Act of 1965 by an amount not greater than  
23 the applicable loan limit for such student under such part  
24 during the period beginning on July 1, 2005 and ending  
25 on June 30, 2006.

1 (f) WAIVER AUTHORITY TO FACILITATE USE OF  
2 FEDERAL WORK-STUDY FUNDS.—The Secretary is au-  
3 thorized—

4 (1) to make whatever arrangements the Sec-  
5 retary determines are necessary and feasible in order  
6 to transfer Federal work-study funds under part C  
7 of title IV of the Higher Education Act of 1965 (42  
8 U.S.C. 2751 et seq.) from an affected institution to  
9 an institution of higher education that enrolls an af-  
10 fected student during the 2005–2006 award year;  
11 and

12 (2) with respect to the Federal work-study  
13 funds that are transferred to an institution of higher  
14 education in accordance with paragraph (1), to  
15 waive all of the non-Federal share requirements  
16 under such part for the institution of higher edu-  
17 cation that enrolls the affected student during the  
18 2005–2006 award year.

19 (g) FORBEARANCE.—Notwithstanding the provisions  
20 of part B, D, or E of title IV of the Higher Education  
21 Act of 1965, a lender, the Secretary, or an institution of  
22 higher education is authorized to provide not more than  
23 1 year of forbearance to an affected borrower without doc-  
24 umentation.

1           (h) PROFESSIONAL JUDGMENT.—A financial aid ad-  
2 ministrator shall be considered to be making an adjust-  
3 ment in accordance with section 479A(a) of the Higher  
4 Education Act of 1965 (20 U.S.C. 1087tt(a)) if the finan-  
5 cial aid administrator makes the adjustment with respect  
6 to the calculation of the expected student or parent con-  
7 tribution (or both) for an affected student, or for a stu-  
8 dent or a parent who resides or resided on August 22,  
9 2005, or was employed on August 22, 2005, in an area  
10 in which an emergency or major disaster was declared  
11 under section 401 of the Robert T. Stafford Disaster Re-  
12 lief and Emergency Assistance Act due to the effects of  
13 Hurricane Katrina. The financial aid administrator shall  
14 adequately document the need for the adjustment. The  
15 Secretary is authorized to simplify such documentation for  
16 institutions of higher education that receive a significant  
17 number of affected students as compared to the total stu-  
18 dent enrollment at the institution.

19           (i) MODIFICATION OF PART A OF TITLE II GRANTS  
20 AUTHORIZED.—The Secretary is authorized to approve  
21 modifications to the requirements for Teacher Quality En-  
22 hancement Grants for States and Partnerships under part  
23 A of title II of the Higher Education Act of 1965 (20  
24 U.S.C. 1021 et seq.), at the request of the grantee—

1           (1) to assist States and local educational agen-  
2           cies to recruit and retain highly qualified teachers in  
3           a school district located in an area in which an  
4           emergency or major disaster was declared under sec-  
5           tion 401 of the Robert T. Stafford Disaster Relief  
6           and Emergency Assistance Act due to the effects of  
7           Hurricane Katrina; and

8           (2) to assist institutions of higher education, as  
9           defined in section 101 of such Act (20 U.S.C. 1001),  
10          located in such area to recruit and retain faculty  
11          necessary to prepare teachers and provide profes-  
12          sional development.

13          (j) WAIVER AUTHORITY TO MODIFY AUTHORIZED  
14          USES OF TRIO, GEAR-UP, PART A OR B OF TITLE III,  
15          AND OTHER GRANTS.—The Secretary is authorized to  
16          modify the required and allowable uses of funds under  
17          chapters 1 and 2 of subpart 2 of part A of title IV of  
18          the Higher Education Act of 1965 (20 U.S.C. 1070a et  
19          seq., 1070a–21 et seq.), under part A or B of title III  
20          (20 U.S.C. 1057 et seq., 1060 et seq.), and under any  
21          other competitive grant program, at the request of an af-  
22          fected institution or other grantee, with respect to affected  
23          institutions and other grantees located in an area in which  
24          an emergency or major disaster was declared under sec-  
25          tion 401 of the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act due to the effects of Hurricane  
2 Katrina.

3 (k) AUTHORITY TO EXTEND OR WAIVE REPORTING  
4 REQUIREMENTS UNDER SECTION 131(a).—The Secretary  
5 is authorized to extend reporting deadlines or waive re-  
6 porting requirements under section 131(a) of the Higher  
7 Education Act of 1965 (20 U.S.C. 1015(a)) for an af-  
8 fected institution.

9 (l) DISTANCE EDUCATION STUDENT AND PROGRAM  
10 ELIGIBILITY.—

11 (1) PROGRAM ELIGIBILITY.—Notwithstanding  
12 section 102(a)(3) of the Higher Education Act of  
13 1965 (20 U.S.C. 1002(a)(3)), an institution of high-  
14 er education, other than a foreign institution, that  
15 offers education or training programs principally  
16 through distance education shall be considered to  
17 meet the definition of an institution of higher edu-  
18 cation under section 101 or 102 of the Higher Edu-  
19 cation Act of 1965 (20 U.S.C. 1001, 1002) if such  
20 institution—

21 (A) has been evaluated and determined to  
22 have the capability to effectively deliver distance  
23 education programs by an accrediting agency or  
24 association that—

1 (i) is recognized by the Secretary  
2 under part H of title IV of the Higher  
3 Education Act of 1965 (20 U.S.C. 1099a  
4 et seq.); and

5 (ii) has evaluation of distance edu-  
6 cation programs within the scope of its  
7 recognition, as described in section  
8 496(n)(3) of the Higher Education Act of  
9 1965 (20 U.S.C. 1099b(n)(3));

10 (B) is otherwise eligible to participate in  
11 programs authorized under title IV of the High-  
12 er Education Act of 1965 (20 U.S.C. 1070 et  
13 seq.);

14 (C) has not had its participation in pro-  
15 grams under title IV of the Higher Education  
16 Act of 1965 suspended or terminated within the  
17 previous 5 years; and

18 (D) has not had, or failed to resolve, an  
19 audit finding or program review finding under  
20 the Higher Education Act of 1965 during the  
21 2 years preceding the year for which the deter-  
22 mination is made that, following any appeal to  
23 the Secretary, resulted in the institution being  
24 required to repay an amount that is equal to or  
25 greater than 25 percent of the total funds the

1 institution received under the programs author-  
2 ized under title IV of the Higher Education Act  
3 of 1965 for the most recent award year.

4 (2) STUDENT ELIGIBILITY.—Notwithstanding  
5 any provision of the Higher Education Act of 1965,  
6 an affected student enrolled in a course of instruc-  
7 tion at an institution of higher education that is of-  
8 fered principally through distance education and  
9 leads to a recognized certificate, or associate, baccalaureate,  
10 or graduate degree, conferred by such in-  
11 stitution, shall not be considered to be enrolled in  
12 correspondence courses.

13 **SEC. 203. GENERAL WAIVER AUTHORITY AND REQUIRED**  
14 **CONSULTATION.**

15 (a) WAIVER AUTHORITY.—

16 (1) IN GENERAL.—Notwithstanding any other  
17 provision of law, the Secretary may waive or modify  
18 any statutory provision of the Higher Education Act  
19 of 1965 or any regulation implementing such Act as  
20 the Secretary determines necessary in connection  
21 with the emergency or major disaster that was de-  
22 clared under section 401 of the Robert T. Stafford  
23 Disaster Relief and Emergency Assistance Act due  
24 to the effects of Hurricane Katrina.

1           (2) ACTIONS AUTHORIZED.—In carrying out  
2 paragraph (1), the Secretary is authorized to waive  
3 or modify any provision described in paragraph (1)  
4 as the Secretary determines necessary to ensure  
5 that—

6           (A) administrative requirements placed on  
7 affected students, affected borrowers, institu-  
8 tions of higher education, lenders, guaranty  
9 agencies and grantees are minimized to the ex-  
10 tent possible without impairing the integrity of  
11 the higher education programs under the High-  
12 er Education Act of 1965, to ease the burden  
13 on such participants; or

14           (B) institutions of higher education, lend-  
15 ers, guaranty agencies, and other entities par-  
16 ticipating in the student financial assistance  
17 programs under title IV of the Higher Edu-  
18 cation Act of 1965, that serve an area in which  
19 an emergency or major disaster was declared  
20 under section 401 of the Robert T. Stafford  
21 Disaster Relief and Emergency Assistance Act  
22 due to the effects of Hurricane Katrina, may be  
23 granted temporary relief from requirements  
24 that are rendered infeasible or unreasonable  
25 due to the affects of Hurricane Katrina, includ-

1           ing due diligence requirements and reporting  
2           deadlines.

3           (b) CONSTRUCTION.—Nothing in this section shall be  
4 construed to allow the Secretary to waive or modify any  
5 applicable statutory or regulatory requirements prohib-  
6 iting discrimination in a program or activity, or in employ-  
7 ment or contracting, under existing law (in existence on  
8 the date of the Secretary’s action).

9           (c) CONSULTATION.—Prior to granting any waiver or  
10 modification under this section, the Secretary shall consult  
11 with the Committee on Health, Education, Labor, and  
12 Pensions of the Senate and the Committee on Education  
13 and the Workforce of the House of Representatives with  
14 respect to waivers or modifications under this section.

15 **SEC. 204. NOTICE OF WAIVERS, MODIFICATIONS, OR EXTEN-**  
16 **SIONS.**

17           (a) IN GENERAL.—Notwithstanding section 437 of  
18 the General Education Provisions Act (20 U.S.C. 1232)  
19 and section 553 of title 5, United States Code, the Sec-  
20 retary shall publish in the Federal Register a notice of  
21 the waivers, modifications, or extensions granted under  
22 section 202 or 203.

23           (b) TERMS AND CONDITIONS.—The notice described  
24 in paragraph (1) shall include information on the waivers,  
25 modifications, and extensions granted under section 202

1 or 203, and shall include the terms and conditions to be  
2 applied in lieu of the statutory and regulatory provisions  
3 waived, modified, or extended under section 202 or 203,  
4 respectively.

5 **TITLE III—EMERGENCY AND DIS-**  
6 **ASTER ASSISTANCE TO INDI-**  
7 **VIDUALS WITH DISABILITIES**  
8 **Subtitle A—Assistance for Children**  
9 **With Disabilities**

10 **SEC. 311. DEFINITIONS.**

11 In this subtitle:

12 (1) **IN GENERAL.**—The terms “child with a dis-  
13 ability”, “local educational agency”, “related serv-  
14 ices”, and “special education” have the meaning  
15 given such terms in section 602 of the Individuals  
16 with Disabilities Education Act (20 U.S.C. 1401).

17 (2) **AFFECTED BY HURRICANE KATRINA.**—The  
18 term “affected by Hurricane Katrina”, when used  
19 with respect to an individual, means an individual  
20 who resides or resided on August 22, 2005 in, or is  
21 or was enrolled on August 22, 2005, in a school lo-  
22 cated in, an area in which the President has de-  
23 clared that a major disaster or emergency exists in  
24 accordance with section 401 of the Robert T. Staf-

1       ford Disaster Relief and Emergency Assistance Act  
2       (42 U.S.C. 5170) related to Hurricane Katrina.

3           (3) INFANT OR TODDLER WITH A DIS-  
4       ABILITY.—The term “infant or toddler with a dis-  
5       ability” has the meaning given such term in section  
6       632 of the Individuals with Disabilities Education  
7       Act (20 U.S.C. 1432).

8       **SEC. 312. USE OF 2004–2005 NUMBERS OF CHILDREN FOR**  
9           **IDEA FUNDING FOR SENDING STATES.**

10       (a) IN GENERAL.—In calculating funding under the  
11       Individuals with Disabilities Education Act (20 U.S.C.  
12       1400 et seq.) for the 2005–2006 school year and the  
13       2006–2007 school year for a State that meets the require-  
14       ments of subsection (b), the Secretary of Education shall  
15       use data from the 2004–2005 school year to determine  
16       the number of children in such State for the purposes of—

17           (1) subsections (a) and (d)(3) of section 611 of  
18       the Individuals with Disabilities Education Act (20  
19       U.S.C. 1411(a) and (d)(3));

20           (2) section 619 of the Individuals with Disabil-  
21       ities Education Act (20 U.S.C. 1419), if such State  
22       is eligible to receive an allocation under such section;  
23       and

24           (3) section 643(e) of the Individuals with Dis-  
25       abilities Education Act (20 U.S.C. 1443(e)).

1 (b) SENDING STATES.—A State qualifies under this  
2 section if such State—

3 (1) includes an area in which the President has  
4 declared that a major disaster exists in accordance  
5 with section 401 of the Robert T. Stafford Disaster  
6 Relief and Emergency Assistance Act (42 U.S.C.  
7 5170) related to Hurricane Katrina; and

8 (2) for the 2005–2006 school year or 2006–  
9 2007 school year, has a net loss of students attend-  
10 ing the schools located in the State, as compared  
11 with the 2004–2005 school year.

12 **SEC. 313. SUPPORT FOR LOCAL EDUCATIONAL AGENCIES**  
13 **RECEIVING CHILDREN AFFECTED BY HURRI-**  
14 **CANE KATRINA.**

15 (a) FLEXIBILITY FOR LOCAL EDUCATIONAL AGEN-  
16 CIES.—Notwithstanding any other provision of the Indi-  
17 viduals with Disabilities Education Act (20 U.S.C. 1400  
18 et seq.), for a fiscal year in which funds are appropriated  
19 under this section, the Secretary of Education shall pro-  
20 vide a portion (as determined by the Secretary) of such  
21 funds to an eligible local educational agency for the pur-  
22 pose of providing early intervening services, as described  
23 in section 613(f) of such Act (20 U.S.C. 1413(f)), to a  
24 student who is affected by Hurricane Katrina—

1           (1) if the student has not been identified by  
2           such agency as needing special education and related  
3           services but has been identified as needing additional  
4           academic and behavioral support; or

5           (2) if the student's record of receiving special  
6           education and related services are not available but  
7           the parent or guardian of the student certifies that  
8           the student received special education and related  
9           services at the student's preceding school, until such  
10          time as an eligibility determination under section  
11          614 of such Act (20 U.S.C. 1414) can be made, ex-  
12          cept that early intervening services under this para-  
13          graph shall not be provided for more than 90 days  
14          unless the school and parent or guardian agree that  
15          progress is being made toward obtaining the eligi-  
16          bility determination.

17          (b) RULE OF CONSTRUCTION.—In the case of a child  
18          with a disability who is affected by Hurricane Katrina and  
19          whose records are available to the local educational agen-  
20          cy, nothing in this section shall be construed to supersede  
21          the transfer provisions of section 614(d)(2)(C) of the Indi-  
22          viduals with Disabilities Education Act (20 U.S.C.  
23          1414(d)(2)(C)).

24          (c) LIMITATION.—An eligible local educational agen-  
25          cy providing early intervening services under this section

1 shall ensure that such services do not interfere with the  
 2 special education and related services provided under the  
 3 Individuals with Disabilities Education Act (20 U.S.C.  
 4 1400 et seq.) to a child with a disability who is not af-  
 5 fected by Hurricane Katrina and is enrolled in a school  
 6 served by the eligible local educational agency.

7 (d) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL  
 8 AGENCY.—The term “eligible local educational agency”  
 9 means a local educational agency that enrolls a student  
 10 who is affected by Hurricane Katrina and who relocates  
 11 to a school served by the local educational agency.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 13 are authorized to be appropriated to carry out this section  
 14 \$10,000,000 for fiscal year 2006.

## 15 **Subtitle B—Assistance for** 16 **Individuals With Disabilities**

### 17 **SEC. 321. REHABILITATION ACT OF 1973.**

18 (a) DEFINITIONS.—In this section:

19 (1) AFFECTED STATE.—The term “affected  
 20 State” means a State that contains an area, or that  
 21 received a significant number of individuals who re-  
 22 sided in an area, in which the President has declared  
 23 that a major disaster exists.

24 (2) EMERGENCY.—The term “emergency”  
 25 means an emergency declared by the President in

1 accordance with section 401 of the Robert T. Staf-  
2 ford Disaster Relief and Emergency Assistance Act  
3 (42 U.S.C. 5170), related to Hurricane Katrina.

4 (3) INDIVIDUAL WITH A DISABILITY.—The term  
5 “individual with a disability” has the meaning given  
6 the term in section 3 of the Americans with Disabil-  
7 ities Act of 1990 (42 U.S.C. 12102).

8 (4) INDIVIDUAL WITH A DISABILITY AFFECTED  
9 BY HURRICANE KATRINA.—The term “individual  
10 with a disability affected by Hurricane Katrina”  
11 means an individual with a disability who—

12 (A) resided on August 22, 2005 in an area  
13 in which the President has declared that a  
14 major disaster exists; and

15 (B) resides in an area in which the Presi-  
16 dent has declared that an emergency or major  
17 disaster exists.

18 (5) MAJOR DISASTER.—The term “major dis-  
19 aster” means a major disaster declared by the Presi-  
20 dent in accordance with section 401 of the Robert  
21 T. Stafford Disaster Relief and Emergency Assist-  
22 ance Act (42 U.S.C. 5170), related to Hurricane  
23 Katrina.

24 (b) REALLOTMENTS OF FUNDS.—

1           (1) IN GENERAL.—In reallocating funds to States  
2           under section 110(e)(2) of the Rehabilitation Act of  
3           1973 (29 U.S.C. 730(e)(2)) for fiscal year 2005 the  
4           Secretary shall give preference to affected States.

5           (2) WAIVERS.—If the Secretary reallocates funds  
6           under section 110(e)(2) of the Rehabilitation Act of  
7           1973 to an affected State for a fiscal year, the State  
8           may submit an application to the Commissioner of  
9           the Rehabilitation Services Administration request-  
10          ing a waiver of non-Federal share requirements ap-  
11          plicable to programs under title I of such Act (29  
12          U.S.C. 720 et seq.) for that fiscal year. The Com-  
13          missioner shall develop criteria for granting or deny-  
14          ing such applications.

15          (c) COMMUNITY DEVELOPMENT APPRENTICE-  
16          SHIPS.—An affected State that receives reallocated funds  
17          as described in subsection (b) may use the funds to pay  
18          for apprenticeship programs (which may include training,  
19          mentoring, or job shadowing opportunities) that con-  
20          tribute to the economic growth and development of com-  
21          munities, to enable individuals with disabilities affected by  
22          Hurricane Katrina to participate in reconstruction or  
23          other major disaster assistance activities in the areas in  
24          which the individuals resided on August 22, 2005.

1 **SEC. 322. ASSISTIVE TECHNOLOGY ACT OF 1998.**

2 (a) DEFINITIONS.—In this section:

3 (1) IN GENERAL.—The terms defined in section  
4 321(c) have the meanings given the terms in that  
5 section.

6 (2) ASSISTIVE TECHNOLOGY DEVICE.—The  
7 term “assistive technology device” has the meaning  
8 given the term in section 3 of the Assistive Tech-  
9 nology Act of 1998 (29 U.S.C. 3002).

10 (b) PROGRAMS.—An affected State that receives a  
11 grant under section 4 of the Assistive Technology Act of  
12 1998 (29 U.S.C. 3003) may submit an application to the  
13 Commissioner of the Rehabilitation Services Administra-  
14 tion requesting authority, for a 90-day period, to use the  
15 funds made available through the grant for device reutili-  
16 zation programs, device loan programs, and device dem-  
17 onstrations, described in that section and for programs  
18 that directly provide assistive technology devices pur-  
19 chased by or donated to the State, in order to enable indi-  
20 viduals with disabilities affected by Hurricane Katrina to  
21 replace assistive technology devices that were damaged or  
22 lost in the emergency or major disaster involved. The  
23 Commissioner shall develop criteria for approving or deny-  
24 ing such applications.

25 (c) USE OF FUNDS.—An affected State that, in ac-  
26 cordance with authority received under subsection (b),

1 uses funds made available through such a grant for activi-  
2 ties described in subsection (b) during the 90-day period  
3 described in subsection (b) may treat such funds as having  
4 been used to carry out activities under section 4(e)(2) of  
5 the Assistive Technology Act of 1998 (29 U.S.C.  
6 3003(e)(2)), for purposes of meeting the use of funds re-  
7 quirements of section 4(e) of such Act (29 U.S.C.  
8 3003(e)).

9 (d) GRANTS.—

10 (1) IN GENERAL.—The Secretary may make  
11 grants to affected States with approved applications  
12 under subsection (b) to enable the States to carry  
13 out programs described in subsection (b) in order to  
14 enable individuals with disabilities affected by Hurri-  
15 cane Katrina to replace assistive technology devices  
16 as described in that subsection. In the case of a  
17 State that receives a grant under this paragraph,  
18 the State may obligate the funds made available  
19 through the grant during the 90-day period applica-  
20 ble to the State under subsection (b).

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

22 There is authorized to be appropriated to carry out  
23 this subsection \$2,000,000 for fiscal year 2006, to  
24 remain available as necessary to permit obligations  
25 described in paragraph (1).

1 **TITLE IV—CHILD CARE AND DE-**  
2 **VELOPMENT BLOCK GRANT**  
3 **ACT OF 1990**

4 **SEC. 401. SHORT TITLE.**

5 This title may be cited as the “Child Care Disaster  
6 Assistance Act of 2005”.

7 **SEC. 402. WAIVER AUTHORITY TO EXPAND THE AVAIL-**  
8 **ABILITY OF SERVICES UNDER CHILD CARE**  
9 **AND DEVELOPMENT BLOCK GRANT ACT OF**  
10 **1990.**

11 (a) **AUTHORITY.**—For such period (ending not later  
12 than March 31, 2006), and to such extent as the Secretary  
13 of Health and Human Services considers to be appro-  
14 priate, the Secretary may waive the provisions described  
15 in subsection (b) for any area with respect to which the  
16 President has determined that an emergency, or a major  
17 disaster, as defined in section 102 of the Robert T. Staf-  
18 ford Disaster Relief and Emergency Assistance Act (42  
19 U.S.C. 5122), exists, related to Hurricane Katrina, for the  
20 purpose of providing child care services to children or-  
21 phaned, or of families displaced, as a result of Hurricane  
22 Katrina.

23 (b) **PROVISIONS.**—The provisions referred to in sub-  
24 section (a) are provisions of the Child Care and Develop-  
25 ment Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)—

1           (1) relating to income limitations on eligibility  
2 to receive child care services for which assistance is  
3 provided under such Act;

4           (2) relating to work requirements applicable to  
5 eligibility to receive child care services for which as-  
6 sistance is provided under such Act;

7           (3) requiring the application of section 658G to  
8 States in which an area described in subsection (a)  
9 is located;

10           (4) requiring a copayment or other cost sharing  
11 by the families that receive child care services for  
12 which assistance is provided under such Act; and

13           (5) preventing children designated as evacuees  
14 from receiving priority for child care services for  
15 which assistance is provided under such Act, except  
16 that children residing in an area and currently re-  
17 ceiving services on August 22, 2005 shall not lose  
18 such services in order to accommodate evacuee chil-  
19 dren.

20 **SEC. 403. TECHNICAL ASSISTANCE AND GUIDANCE.**

21           The Secretary may assist States to provide technical  
22 assistance and guidance to child care providers who are  
23 licensed and regulated, as applicable, by the States, in  
24 order to enable the providers to provide child care services  
25 for children and families described in section 402(a).

1 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

2       There is authorized to be appropriated to provide for  
3 child care services for children and families described in  
4 section 402(a) as provided for in section 402, and to carry  
5 out section 403, \$112,000,000 for fiscal year 2006.

6                   **TITLE V—HEAD START**  
7                   **PROGRAMS**

8 **SEC. 501. DEFINITIONS.**

9       In this title:

10           (1) CHILDREN AFFECTED BY HURRICANE  
11 KATRINA.—The term “children affected by Hurri-  
12 cane Katrina” means a child who is not older than  
13 5 and who resides or resided on August 22, 2005,  
14 in an area in which the President has declared that  
15 a major disaster exists.

16           (2) IMPACTED HEAD START AGENCIES.—The  
17 term “impacted Head Start agency” means a Head  
18 Start agency receiving a significant number of chil-  
19 dren from an area in which a major disaster has  
20 been declared.

21           (3) MAJOR DISASTER.—The term “major dis-  
22 aster” means a major disaster declared by the Presi-  
23 dent in accordance with section 401 of the Robert  
24 T. Stafford Disaster Relief and Emergency Assist-  
25 ance Act (42 U.S.C. 5170), related to Hurricane  
26 Katrina.

1 **SEC. 502. INCOME ELIGIBILITY AND DOCUMENTATION**  
2 **WAIVERS.**

3 The Secretary of Health and Human Services shall  
4 waive requirements of income eligibility and documenta-  
5 tion for children affected by Hurricane Katrina who par-  
6 ticipate in Head Start programs and Early Head Start  
7 programs funded under the Head Start Act.

8 **SEC. 503. TECHNICAL ASSISTANCE, GUIDANCE, AND RE-**  
9 **SOURCES.**

10 The Secretary shall provide technical assistance,  
11 guidance, and resources through the Region 4 and Region  
12 6 offices of the Administration for Children and Families  
13 (and may provide technical assistance, guidance, and re-  
14 sources through other regional offices of the Administra-  
15 tion, at the request of such offices, that administer im-  
16 pacted Head Start agencies) to Head Start agencies in  
17 areas in which a major disaster has been declared, and  
18 to impacted Head Start agencies, to assist the agencies  
19 involved in providing Head Start services to children af-  
20 fected by Hurricane Katrina.

21 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to provide for  
23 Head Start services (including Early Head Start services)  
24 to children affected by Hurricane Katrina as provided for  
25 in section 502, and to carry out section 503, \$45,000,000  
26 for fiscal year 2006.

1 **TITLE VI—DEPARTMENT OF**  
2 **EDUCATION INSPECTOR GEN-**  
3 **ERAL AUDIT AND REPORT**

4 **SEC. 601. DEPARTMENT OF EDUCATION INSPECTOR GEN-**  
5 **ERAL AUDIT AND REPORT.**

6 (a) **IN GENERAL.**—The Inspector General of the De-  
7 partment of Education (referred to in this section as the  
8 “Inspector General”) shall conduct an audit and investiga-  
9 tion of each program carried out by the Department of  
10 Education that includes response and recovery activities  
11 related to Hurricane Katrina.

12 (b) **WEEKLY REPORT.**—Not less frequently than once  
13 a week, the Inspector General shall provide a report to  
14 the Committee on Health, Education, Labor, and Pen-  
15 sions of the Senate and the Committee on Education and  
16 the Workforce of the House of Representatives listing the  
17 audits and investigations initiated pursuant to subsection  
18 (a).

19 (c) **STATUS REPORT.**—Not later than 6 months after  
20 the date of enactment of this section, and biannually  
21 thereafter until the audits and investigations described in  
22 subsection (a) are complete, the Inspector General shall  
23 report to the Committee on Health, Education, Labor, and  
24 Pensions of the Senate and the Committee on Education  
25 and the Workforce of the House of Representatives on the

1 full status of the activities of the Inspector General under  
2 this section.

3 (d) COOPERATIVE VENTURES.—In carrying out this  
4 section, the Inspector General is encouraged to enter into  
5 cooperative ventures with Inspectors General of other Fed-  
6 eral agencies.

**Calendar No. 213**

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1715**

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**A BILL**

To provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

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SEPTEMBER 19, 2005

Read the second time and placed on the calendar