

(B) waive the allocation reduction for award year 2006–2007 for an institution returning more than 10 percent of its allocation under any of those sections.

(2) ELIGIBLE INSTITUTIONS FOR REALLOCATION.—An institution of higher education may receive a reallocation of excess allocations under this subsection if the institution—

(A) participates in the program for which excess allocations are being reallocated; and

(B)(i) is located in an area affected by a Gulf hurricane disaster; or

(ii) has accepted for enrollment any affected students in academic year 2005–2006.

(3) BASIS OF REALLOCATION.—The Secretary shall determine the manner in which excess allocations shall be reallocated to institutions under paragraph (1), and shall give additional consideration to the needs of institutions located in an area affected by a Gulf hurricane disaster.

(4) ADDITIONAL WAIVER AUTHORITY.—Notwithstanding any other provision of law, in order to carry out this subsection, the Secretary may waive or modify any statutory or regulatory provision relating to the reallocation of excess allocations under subpart 3 of part A, part C, or part E of title IV of the Act in order to ensure that assistance is received by affected institutions for affected students.

(c) AVAILABILITY OF FUNDS DATE EXTENSION.—Notwithstanding any other provision of law—

(1) any funds available to the Secretary under sections 413A, 441, and 461 of the Act (20 U.S.C. 1070b; 42 U.S.C. 2751; 20 U.S.C. 1087aa) for which the period of availability would otherwise expire on September 30, 2005, shall be available for obligation by the Secretary until September 30, 2006 for the purposes of the programs authorized pursuant to subpart 3 of part A, part C, and part E of title IV of the Act, respectively; and

(2) the Secretary may recall any funds allocated to an institution of higher education for award year 2004–2005 under section 413D, 442, or 462 of the Act that, if not returned to the Secretary as excess allocations pursuant to any of those sections, would otherwise lapse on September 30, 2005, and reallocate those funds in accordance with subsection (b)(1).

SEC. 3. EMERGENCY DESIGNATION.

Section 2 of this Act is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SEC. 4. TERMINATION OF AUTHORITY.

The provisions of this Act shall cease to be effective one year after the date of the enactment of this Act.

SEC. 5. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of Education.

(2) AFFECTED STUDENT.—The term “affected student” means an individual who has applied for or received student financial assistance under title IV of the Act, and who—

(A) was enrolled or accepted for enrollment, as of August 29, 2005, at an institution of higher education in an area affected by a Gulf hurricane disaster;

(B) was a dependent student enrolled or accepted for enrollment at an institution of higher education that is not in an area affected by a Gulf hurricane disaster, but whose parents resided or were employed, as of August 29, 2005, in an area affected by a Gulf hurricane disaster; or

(C) suffered direct economic hardship as a direct result of a Gulf hurricane disaster, as determined by the Secretary using consistent and objective criteria.

(3) GULF HURRICANE DISASTER.—The term “Gulf hurricane disaster” means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), and that was caused by Hurricane Katrina or Hurricane Rita.

(4) AREA AFFECTED BY A GULF HURRICANE DISASTER.—The term “area affected by a Gulf hurricane disaster” means a county or parish, in an affected State, that has been designated by the Federal Emergency Management Agency for disaster assistance for individuals and households as a result of Hurricane Katrina or Hurricane Rita.

(5) AFFECTED STATE.—The term “affected State” means the State of Alabama, Louisiana, Mississippi, or Texas.

(6) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

Approved October 7, 2005.

LEGISLATIVE HISTORY—H.R. 3863:

CONGRESSIONAL RECORD, Vol. 151 (2005):

Sept. 27, considered and passed House.

Sept. 30, considered and passed Senate.

Public Law 109–87
109th Congress

An Act

To authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

Oct. 7, 2005
[S. 1786]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMERGENCY USE OF GRANTS-IN-AID FOR AIRPORT IMPROVEMENTS FOR FISCAL YEARS 2005 AND 2006.

State listing.

(a) IN GENERAL.—The Secretary of Transportation may make project grants under part B, subtitle VII, of title 49, United States Code, from amounts that remain unobligated after the date of enactment of this Act for fiscal years 2005 and 2006—

(1) from apportioned funds under section 47114 of that title apportioned to an airport described in subsection (b)(1) or to a State in which such airport is located; or

(2) from funds available for discretionary grants to such an airport under section 47115 of such title.

(b) ELIGIBLE AIRPORTS AND USES.—The Secretary may make grants under subsection (a) for—

(1) emergency capital costs incurred by a public use airport in Louisiana, Mississippi, Alabama, or Texas that is listed in the Federal Aviation Administration’s National Plan of Integrated Airport Systems of repairing or replacing public use facilities that have been damaged as a result of Hurricane Katrina or Hurricane Rita; and

(2) emergency operating costs incurred by an airport described in paragraph (1) as a result of Hurricane Katrina or Hurricane Rita.

(c) PRIORITIES.—In making grants authorized by subsection (a), the Secretary shall give priority to—

(1) airport development within the meaning of section 47102 of title 49, United States Code;

(2) terminal development within the meaning of section 47110 of that title;

(3) repair or replacement of other public use airport facilities; and

(4) emergency operating costs incurred at public use airports in Louisiana, Mississippi, Alabama, and Texas.

(d) MODIFICATION OF CERTAIN OTHERWISE APPLICABLE REQUIREMENTS.—For purposes of any grant authorized by subsection (a)—

(1) the Secretary may waive any otherwise applicable limitation on, or requirement for, grants under section 47102, 47107(a)(17), 47110, or 47119 of title 49, United States Code,