

115TH CONGRESS
2D SESSION

H. R. 5850

To amend the Higher Education Act of 1965 to waive the 90–10 rule for proprietary institutions impacted by Hurricanes Irma or Maria.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2018

Miss GONZÁLEZ-COLÓN of Puerto Rico introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 to waive the 90–10 rule for proprietary institutions impacted by Hurricanes Irma or Maria.

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 “Puerto Rico Higher
5 Education Disaster Relief Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) On September 6, 2017, Hurricane Irma
9 made landfall in Puerto Rico, particularly affecting

1 its east coast and the islands of Vieques and
2 Culebra.

3 (2) While Puerto Rico was recovering from
4 Hurricane Irma, on September 20, 2017, Hurricane
5 María made landfall in Puerto Rico as a category 4
6 hurricane, being the worst storm to strike the Island
7 in over 80 years.

8 (3) Consequently, Puerto Rican institutions of
9 higher education have faced extraordinary expenses
10 to continue their operations, such as power genera-
11 tors, fuel, additional security guards, transportation,
12 cleaning, reconstruction, food, potable water, among
13 others. In most cases, the insurance companies are
14 not covering the damages or losses or have delayed
15 payments.

16 (4) Students in Puerto Rico lack the funds to
17 cover their tuition payment plans because they have
18 been using such funds to deal with their own ex-
19 traordinary expenses in the aftermath of Hurricanes
20 Irma and María. While other students are leaving
21 the Island and continuing their studies in the contig-
22 uous United States.

23 (5) As a result of Hurrianes Irma and Maria,
24 Puerto Rican for-profit higher education institutions
25 are unable to comply with the 90–10 Rule under

1 section 487(a)(24) of the Higher Education Act of
2 1965 (20 U.S.C. 1084(a)(24)) because they are un-
3 able to meet the requirement that not less than ten
4 percent of such institution's revenues be derived
5 from sources other than funds provided under title
6 IV of such Act (20 U.S.C. 1070 et seq.).

7 **SEC. 3. WAIVER OF 90-10 RULE.**

8 Section 487(a)(24) of the Higher Education Act of
9 1965 (20 U.S.C. 1084(a)(24)) is amended—

10 (1) by striking “(24) In the case of” and insert-
11 ing the following:

12 “(24)(A) In the case of”; and

13 (2) by adding at the end the following:

14 “(B) Subparagraph (A) shall not apply
15 with respect to fiscal years 2018 through 2020
16 to an institution described in such subpara-
17 graph (A) that is located in an area declared as
18 a major disaster under the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act
20 resulting from Hurricane Irma or Maria.”.

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