

Subsec. (c)(1)(B). Pub. L. 111-39, §801(6)(B), substituted “in a reasonable” for “within a reasonable”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 11611-1. Model emergency response policies, procedures, and practices

The Secretary, in consultation with the Attorney General and the Secretary of Homeland Security, shall continue to—

- (1) advise institutions of higher education on model emergency response policies, procedures, and practices; and
- (2) disseminate information concerning those policies, procedures, and practices.

(Pub. L. 89-329, title VIII, §822, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3410.)

§ 11611-2. Preparation for future disasters plan by the Secretary

The Secretary shall continue to coordinate with the Secretary of Homeland Security and other appropriate agencies to develop and maintain procedures to address the preparedness, response, and recovery needs of institutions of higher education in the event of a natural or manmade disaster with respect to which the President has declared a major disaster or emergency (as such terms are defined in section 11611-3 of this title).

(Pub. L. 89-329, title VIII, §823, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3410.)

§ 11611-3. Education Disaster and Emergency Relief Loan Program

(a) Program authorized

The Secretary, in consultation with the Secretary of Homeland Security, is authorized to establish an Education Disaster and Emergency Relief Loan Program for institutions of higher education impacted by a major disaster or emergency declared by the President.

(b) Use of assistance

The Secretary shall, subject to the availability of appropriations, provide loans under this section to institutions of higher education after the declaration of a major disaster or emergency by the President. Loan funds provided under this section may be used for construction, replacement, renovation, and operations costs resulting from a major disaster or emergency declared by the President.

(c) Application requirements

To be considered for a loan under this section, an institution of higher education shall—

- (1) submit a financial statement and other appropriate data, documentation, or evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a major disaster or emergency declared by the President, and the monetary amount of such losses;

(2) demonstrate that the institution had appropriate insurance policies prior to the major disaster or emergency and filed claims, as appropriate, related to the major disaster or emergency; and

(3) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency prior to seeking a loan under this section, except that an institution of higher education shall not be required to receive collateral source compensation from the Federal Emergency Management Agency prior to being eligible for a loan under this section.

(d) Audit

The Secretary may audit a financial statement submitted under subsection (c) and an institution of higher education shall provide any information that the Secretary determines necessary to conduct such an audit.

(e) Reduction in loan amounts

To determine the amount of a loan to make available to an institution of higher education under this section, the Secretary shall calculate the monetary amount of losses incurred by such institution as a result of a major disaster or emergency declared by the President, and shall reduce such amount by the amount of collateral source compensation the institution has already received from insurance, the Federal Emergency Management Agency, and the Small Business Administration.

(f) Establishment of loan program

Prior to disbursing any loans under this section, the Secretary shall prescribe regulations that establish the Education Disaster and Emergency Relief Loan Program, including—

- (1) terms for the loan program;
- (2) procedures for an application for a loan;
- (3) minimum requirements for the loan program and for receiving a loan, including—
 - (A) online forms to be used in submitting a request for a loan;
 - (B) information to be included in such forms; and
 - (C) procedures to assist in filing and pursuing a loan; and

(4) any other terms and conditions the Secretary may prescribe after taking into consideration the structure of other existing capital financing loan programs under this chapter and part C of subchapter I of chapter 34 of title 42.

(g) Definitions

In this section:

(1) Institution affected by a Gulf hurricane disaster

The term “institution affected by a Gulf hurricane disaster” means an institution of higher education that—

- (A) is located in an area affected by a Gulf hurricane disaster; and
- (B) is able to demonstrate that the institution—
 - (i) incurred physical damage resulting from the impact of a Gulf hurricane disaster; and