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110TH CONGRESS
2D SESSION

H. R. 4137

AN ACT

To amend and extend the Higher Education Act of 1965, and for other purposes.

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

★★

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 ''College Opportunity and Affordability Act of 2008''.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

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1 **SEC. 2. REFERENCES; EFFECTIVE DATE.**

2 (a) REFERENCES.—Except as otherwise expressly
3 provided therein, whenever in this Act an amendment or
4 repeal is expressed in terms of an amendment to, or repeal
5 of, a section or other provision, the reference shall be con-
6 sidered to be made to a section or other provision of the
7 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

8 (b) EFFECTIVE DATE.—Except as otherwise provided
9 in this Act or the amendments made by this Act, the

amendments made by this Act shall be effective on the date of enactment of this Act.

TITLE I—TITLE I AMENDMENTS

SEC. 101. DEFINITIONS OF INSTITUTION OF HIGHER EDUCATION.

(a) DEGREE PROGRAMS.—Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)(1), by inserting before the semicolon the following: ", or persons who meet the requirements of section 484(d)(3)";

(2) in subsection (a)(3), by inserting ", or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary" after "such a degree"; and

(3) by striking subsection (b)(2) and inserting the following:

"(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons—

"(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

"(B) who will be dually or concurrently enrolled in the institution and a secondary school.".

(b) INTERNATIONAL MEDICAL SCHOOLS.—Section 102(a)(2)(A) (20 U.S.C. 1002(a)(2)(A)) is amended—

(1) in the first sentence, by inserting "nursing school," after "graduate medical school,";

(2) in clause (i)—

(A) by striking "or" at the end of subclause (I); and

(B) by striking subclause (II) and inserting the following new subclauses:

"(II) the institution has or had a clinical training program that was approved by a State as of January 1, 1992, and continues to operate a clinical training program in at least one State, which is approved by that State; or

"(III) the institution—

"(aa) has a clinical training program that was approved by a State before January 1, 2008;

"(bb) certifies only unsubsidized Stafford or PLUS loans

under part B of title IV to graduate and professional students attending the institution; and

"(cc) agrees to reimburse the Secretary for the cost of any loan defaults for students included in the institution's cohort default rate during the previous fiscal year; or"; and

(3) by striking the period at the end of clause (ii) and inserting "; or"; and

(4) by adding at the end the following new clause:

"(iii) in the case of a nursing school located outside of the United States, the institution—

"(I) has agreements with hospitals or eligible nursing schools located in the United States that include provisions for students to complete their clinical training at such hospitals and eligible nursing schools;

"(II) certifies only unsubsidized Stafford and PLUS loans under part

B of title IV for students attending the institution; and

"(III) agrees to reimburse the Secretary for the cost of any loan defaults to the extent that the institution's cohort default rate exceeds 5 percent.".

(c) CONFORMING AMENDMENT CONCERNING 90/10 ENFORCEMENT.—Section 102(b)(1) (20 U.S.C. 1002(b)(1)) is amended—

(1) by adding "and" after the semicolon in subparagraph (D);

(2) by striking "; and" and inserting a period in subparagraph (E); and

(3) by striking subparagraph (F).

(d) ADDITIONAL INSTITUTIONS.—Section 102 (20 U.S.C. 1002) is further amended—

(1) by striking subsection (b)(2) and inserting the following:

"(2) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

"(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

"(B) who will be dually or concurrently enrolled in the institution and a secondary school."; and

(2) by striking subsection (c)(2) and inserting the following:

"(2) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution' also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

"(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

"(B) who will be dually or concurrently enrolled in the institution and a secondary school.".

SEC. 102. ADDITIONAL DEFINITIONS.

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by adding at the end the following new paragraphs:

"(17) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

"(18) CRITICAL FOREIGN LANGUAGE.—Except as otherwise provided, the term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 149, 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)); as updated by the Secretary from time to time and published in the Federal Register, except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.

"(19) DISCONNECTED STUDENTS.—The term 'disconnected students' means students who are—

"(A) homeless children and youths, as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

"(B) orphans, in foster care, or wards of the court, or who were in foster care or were wards of the court until the students reached the age of 16;

"(C) adjudicated or convicted juveniles, or who were adjudicated juveniles until the juveniles reached the upper age of juvenile court jurisdiction, or who were convicted juveniles who completed the sentence for the juvenile conviction prior to reaching the age of majority; or

"(D) pregnant or parenting youth.

"(20) DISTANCE EDUCATION.—

"(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses 1 or more of the technologies described in subparagraph (B)—

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

"(ii) to support regular and substantive interaction between the students

and the instructor, synchronously or asynchronously.

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

"(i) the Internet;

"(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

"(iii) audio conferencing; or

"(iv) video cassette, DVDs, and CD–ROMs, if the cassette, DVDs, and CD–ROMs are used in a course in conjunction with the technologies listed in clauses (i) through (iii).

"(21) HIGH-NEED SCHOOL.—Except with respect to title II, the term 'high-need school' means a public or nonprofit private elementary or secondary school which is in a local educational agency which is eligible for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965 in the applicable fiscal year, and which for the purpose of this paragraph and for that year was de-

termined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

"(22) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(23) UNIVERSAL DESIGN.—The term 'universal design' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

"(24) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' means a research-based framework for designing curriculum (including goals, methods, materials, and assessments) that—

"(A) provides curricular flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge, and in the ways students are engaged; and

"(B) reduces barriers in instruction and assessment, provides appropriate supports and challenges, and maintains high achievement standards for all students, including students with disabilities."; and

(2) by reordering paragraphs (1) through (16) and the paragraphs added by paragraph (1) of this subsection in alphabetical order based on the headings of such paragraphs, and renumbering such paragraphs as so reordered.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking "Committee on Education and the Workforce of the House of Rep-

resentatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking ''to the Committee on Appropriations'' and all that follows through ''House of Representatives'' and inserting ''to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees'';

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking ''House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources'' and inserting ''authorizing committees'';

(B) in the matter following paragraph (2) of subsection (g), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(C) in subsection (n)(4), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee

on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(5) in section 428A(c) (20 U.S.C. 1078–1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(B) in paragraph (3), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees''; and

(C) in paragraph (5), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(6) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking ''the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate'' and inserting ''either of the authorizing committees''; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking ''Com-

mittee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(8) in section 439 (20 U.S.C. 1087–2)—

(A) in subsection (d)(1)(E)(iii), by striking ''advise the Chairman'' and all that follows through ''House of Representatives'' and inserting ''advise the members of the authorizing committees'';

(B) in subsection (r)—

(i) in paragraph (3), by striking ''inform the Chairman'' and all that follows through ''House of Representatives,'' and inserting ''inform the members of the authorizing committees'';

(ii) in paragraph (5)(B), by striking ''plan, to the Chairman'' and all that follows through ''Education and Labor'' and

inserting ''plan, to the members of the authorizing committees'';

(iii) in paragraph (6)(B)—

(I) by striking ''plan, to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''plan, to the members of the authorizing committees''; and

(II) by striking ''Chairmen and ranking minority members of such Committees'' and inserting ''members of the authorizing committees'';

(iv) in paragraph (8)(C), by striking ''implemented to the Chairman'' and all that follows through ''House of Representatives, and'' and inserting ''implemented to the members of the authorizing committees, and to''; and

(v) in the matter preceding subparagraph (A) of paragraph (10), by striking ''days to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''days to the members of the authorizing committees''; and

(C) in subsection (s)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees''; and

(ii) in subparagraph (B), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees'';

(9) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(10) in section 482(d) (20 U.S.C. 1089(d)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees'';

(11) in section 483(c) (20 U.S.C. 1090(c)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Edu-

cation and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(12) in section 485 (20 U.S.C. 1092)—

(A) in subsection (f)(5)(A), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''; and

(B) in subsection (g)(4)(B), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(13) in section 486 (20 U.S.C. 1093)—

(A) in subsection (e), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in subsection (f)(3)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Com-

mittee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(14) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(15) in section 498B(d) (20 U.S.C. 1099c–2(d))—

(A) in paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in paragraph (2), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

SEC. 103. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.

Section 113 (20 U.S.C. 1011b) is amended—

(1) by striking ''**TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE**'' in the heading of such section and inserting ''**TERRITORIAL WAIVER AUTHORITY**''; and

(2) by striking ''(a) WAIVER AUTHORITY.—''; and

(3) by striking subsection (b).

SEC. 104. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

(a) AMENDMENT.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:

''SEC. 114. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

''(a) ESTABLISHMENT.—There is established in the Department a National Advisory Committee on Institutional Quality and Integrity (in this section referred to as the 'Committee') to assess the process of accreditation and

the institutional eligibility and certification of such institutions under title IV.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall have 18 members, of which—

"(A) 6 members shall be appointed by the Secretary;

"(B) 6 members shall be appointed by the Speaker of the House of Representatives, 3 members on the recommendation of the majority leader of the House of Representatives, and 3 members on the recommendation of the minority leader of the House of Representatives; and

"(C) 6 members shall be appointed by the President pro tempore of the Senate, 3 members on the recommendation of the majority leader of the Senate, and 3 members on the recommendation of the minority leader of the Senate.

"(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee—

"(A) on the basis of the individuals' experience, integrity, impartiality, and good judgment;

"(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representing all sectors and types of institutions of higher education (as defined in section 102); and

"(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

"(3) TERMS OF MEMBERS.—Except as provided in paragraph (5), the term of office of each member of the Committee shall be for 6 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

"(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurs. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

"(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—

"(A) 3 years for members appointed under paragraph (1)(A);

"(B) 4 years for members appointed under paragraph (1)(B); and

"(C) 6 years for members appointed under paragraph (1)(C).

"(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.

"(c) FUNCTIONS.—The Committee shall—

"(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;

"(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

"(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

"(4) advise the Secretary with respect to the eligibility and certification process for institutions of

higher education under title IV, together with recommendations for improvements in such process;

"(5) advise the Secretary with respect to the relationship between—

"(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

"(B) State licensing responsibilities with respect to such institutions;

"(6) take into consideration the complaints, and the resolution of such complaints, received by the ombudsman described in section 497 when advising the Secretary with respect to the recognition of a specific accrediting agency or association; and

"(7) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe by regulation.

"(d) MEETING PROCEDURES.—

"(1) SCHEDULE.—

"(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.

"(B) PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and

the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

"(2) AGENDA.—

"(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

"(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.

"(3) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

"(e) LIMITATION.—The Committee shall not recommend denial of an application related to the recognition of an accrediting agency or association for any reason other than a reason set forth in section 496.

"(f) REPORT AND NOTICE.—

"(1) NOTICE.—The Secretary shall annually publish in the Federal Register—

"(A) a list containing, for each member of the Committee—

"(i) the member's name;

"(ii) the date of the expiration of the member's term of office; and

"(iii) the individual described in subsection (b)(1) who appointed the member; and

"(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

"(2) REPORT.—Not later than September 30 of each year, the Committee shall make an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

"(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the preceding fiscal year;

"(B) a list of the date and location of each meeting during the preceding fiscal year;

"(C) a list of the members of the Committee and appropriate contact information; and

"(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

"(g) TERMINATION.—The Committee shall terminate on September 30, 2012.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective January 1, 2009.

SEC. 105. DRUG AND ALCOHOL ABUSE PREVENTION.

Section 120 (20 U.S.C. 1011i) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (D); and

(C) by inserting after subparagraph (A) (as amended by subparagraph (A) of this paragraph) the following:

"(B) determine the number of drug and alcohol-related incidents and fatalities that—

"(i) occur on the institution's property or as part of any of the institution's activities; and

"(ii) are reported to the institution;

"(C) determine the number and type of sanctions described in paragraph (1)(E) that

are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's property or as part of any of the institution's activities; and'';

(2) in subsection (e)(5), by striking ''1999'' and inserting ''2009''; and

(3) by striking subsection (f).

SEC. 106. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2009 and for each succeeding fiscal year''; and

(2) in paragraph (2), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2009 and for each succeeding fiscal year''.

SEC. 107. IMPROVED INFORMATION CONCERNING THE FEDERAL STUDENT FINANCIAL AID WEBSITE.

Section 131 (20 U.S.C. 1015) is amended by striking subsection (d) and inserting the following:

''(d) PROMOTION OF THE DEPARTMENT OF EDUCATION FEDERAL STUDENT FINANCIAL AID WEBSITE.—The Secretary—

''(1) shall display a link to the Federal student financial aid website of the Department of Edu-

cation in a prominent place on the homepage of the Department of Education website; and

"(2) may use administrative funds available for the Department's operations and expenses for the purpose of advertising and promoting the availability of the Federal student financial aid website.

"(e) PROMOTION OF AVAILABILITY OF INFORMATION CONCERNING STUDENT FINANCIAL AID PROGRAMS OF OTHER DEPARTMENTS AND AGENCIES.—

"(1) AVAILABILITY OF INFORMATION.—Not later than 90 days after the Secretary receives the information required under paragraph (2), the Secretary shall ensure that the eligibility requirements, application procedures, financial terms and conditions, and other relevant information for each non-departmental student financial assistance program are easily accessible through the Federal student financial aid website and are incorporated into the search matrix on such website in a manner that permits students and parents to readily identify the programs that are appropriate to their needs and eligibility.

"(2) AGENCY RESPONSE.—Each Federal department and agency shall promptly respond to surveys or other requests for the information required

by paragraph (1), and shall identify for the Secretary any non-departmental student financial assistance program operated, sponsored, or supported by such Federal department or agency.

"(3) DEFINITION.—For purposes of this subsection, the term 'non-departmental student financial assistance program' means any grant, loan, scholarship, fellowship, or other form of financial aid for students pursuing a postsecondary education that is—

"(A) distributed directly to the student or to the student's account at on institution of higher education; and

"(B) operated, sponsored, or supported by a Federal department or agency other than the Department of Education.".

SEC. 108. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following new section:

"SEC. 132. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

"(a) MAINTENANCE OF EFFORT REQUIRED.—A State shall provide—

"(1) for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for non-capital and non-direct research and development expenses or costs by such State to such institutions of higher education during the 5 most recent preceding academic years for which satisfactory data are available; and

"(2) for private institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for student financial aid for paying costs associated with postsecondary education by such State to such institutions during the 5 most recent preceding academic years for which satisfactory data are available.

"(b) WAIVER.—The Secretary shall waive the requirements of subsection (a), if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforseen decline in the financial resources of a State or State educational agency, as appropriate.

"(c) VIOLATION OF MAINTENANCE OF EFFORT.—Notwithstanding any other provision of law, the Secretary shall withhold from any State that violates subsection (a) and does not receive a waiver pursuant to subsection (b) any amount that would otherwise be available to the State under section 415E until such State has made significant efforts to correct such violation.

"(d) RESEARCH INTO COST CONTAINMENT METHODS.—The Secretary is authorized—

"(1) to identify methods of cost containment currently utilized by institutions of higher education and systems of such institutions, and research into other possible methods of cost containment;

"(2) to disseminate—

"(A) the information obtained by such research to such institutions and systems; and

"(B) other information concerning research that has identified successful methods of cost containment;

"(3) to publicly recognize institutions of higher education that are doing an effective job at cost containment; and

"(4) to work together with such institutions and systems to implement these methods.".

SEC. 109. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

(a) AMENDMENT TO TITLE I.—Part C of title I (20 U.S.C. 1015) is amended by adding after section 132 (as added by section 108 of this Act) the following new section:

"SEC. 133. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

"(a) COLLEGE AFFORDABILITY AND TRANSPARENCY LISTS.—Effective July 1, 2011, the Secretary shall annually update and make publicly available on the College Navigator website, in a manner that is sortable by State, the following lists:

"(1) A list of the top 5 percent of the institutions in each category (as defined by subsection (b)) that have the highest tuition and fees.

"(2) A list of the top 5 percent of the institutions in each such category that have the lowest tuition and fees.

"(3) A list of the top 5 percent of the institutions in each such category that have the largest increase, expressed as a percentage change, in their tuition and fees over the most recent three year period for which satisfactory data is available.

"(b) CATEGORIES OF INSTITUTIONS.—The following categories shall be used in compiling the information in subsection (a):

"(1) 4-year public institutions of higher education.

"(2) 4-year private, nonprofit institutions of higher education.

"(3) 4-year private, for-profit institutions of higher education.

"(4) 2-year public institutions of higher education.

"(5) 2-year private, nonprofit institutions of higher education.

"(6) 2-year private, for-profit institutions of higher education.

"(7) Less than 2-year public institutions of higher education.

"(8) Less than 2-year private, nonprofit institutions of higher education.

"(9) Less than 2-year private, for-profit institutions of higher education.

"(10) All types of institutions described in paragraphs (1) through (9).

"(c) INSTITUTION REPORTS.—If an institution of higher education appears on the list described in sub-

section (a)(3), the institution or a representative association designated by the institution shall submit to the Secretary the following information:

"(1) A description of the factors contributing to the increase in the institution's tuition and fees, including an identification of the major areas in the institution's budget with the greatest cost increases.

"(2) If determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations, and the authority exercised by such agency, instrumentality, or entity.

"(d) QUALITY EFFICIENCY TASK FORCES.—(1) Each institution that is required to submit information by subsection (c) shall establish a quality-efficiency task force to—

"(A) review the operations of such institution;

"(B) analyze institutional operating costs in comparison with such costs at other institutions within the same category of institutions;

"(C) identify areas where, in comparison with other institutions in such category, the institution operates more expensively to produce a similar result;

"(D) develop annual benchmarks for the institution to reduce costs in areas identified under subparagraph (C);

"(E) conduct an in-depth analysis of such identified areas for cost reduction opportunities; and

"(F) submit a report to the Secretary and the institution on the results of the review and analysis conducted under this subsection.

"(2) An institution of higher education that does not meet the benchmarks established under paragraph (1)(D) shall provide to the Secretary a detailed explanation of the reasons why the institution did not meet such benchmarks.

"(e) INFORMATION TO THE PUBLIC.—The Secretary shall compile the information submitted under subsections (c) and (d) and shall submit an annual report summarizing such information to the authorizing committees and publish such report on the College Navigator website.

"(f) EXEMPTIONS.—An institution shall not be placed on the list required under subsection (a)(3) and shall not be subject to the reporting in subsection (c) if, for the 3-year interval described in subsection (a)(3) the institution meets the following criteria:

"(1) With respect to the category of institutions described in subsection (b) to which the institution belongs, the computed price of the institution is in

the lowest quartile of institutions within such category, as determined by the Secretary, during the last year of such 3-year interval.

"(2) The dollar amount of the institution's increase in its full price, as computed under subsection (a)(3), is less than $500 for such 3-year interval.

"(g) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report on the College Navigator website, in charts for each State—

"(1) a comparison of—

"(A) the percentage change in State appropriations per full-time equivalent student in each public institution of higher education in the State for each of the 5 most recent preceding academic years; to

"(B) the percentage change in tuition and fees for each public institution of higher education in the State for each of the 5 most recent preceding academic years; and

"(2) the total amount of need-based and merit-based aid provided by the State to full-time equivalent students attending an institution of higher education in the State.

"(h) AVAILABILITY OF NET PRICE INFORMATION.—

"(1) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees actually charged to a full-time undergraduate student receiving student aid at an institution of higher education, after deduction of any discounts and Federal and State aid, and any other institutional aid, that reduce the full price of tuition and fees at the institution, as determined in accordance with regulations prescribed by the Secretary.

"(2) NET PRICE CALCULATOR.—

"(A) DEVELOPMENT.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall, in consultation with institutions of higher education, develop a net price calculator to help students, families, and consumers determine the net price of an institution of higher education. The calculator shall be developed in a manner that permits students to determine an estimate of their individual net price of attendance for an institution.

"(B) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, each insti-

tution of higher education that receives Federal funds under this Act shall adopt and make available for use on the institution's website the net price calculator developed under subparagraph (A) to help students, families, and other consumers determine the net price of such institution of higher education.

"(i) POSTSECONDARY EDUCATION PRICE INDICES.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop, for inclusion in the higher education pricing summary page required under subsection (j)(3), postsecondary education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions described in subsection (b). Such indices shall be updated annually. Prior to the completion of the postsecondary education price indices, the Secretary is authorized to use an alternative, comparable index or indices.

"(j) CONSUMER COST INFORMATION.—

"(1) INFORMATION FROM INSTITUTIONS.—Not later than 1 year after the date of enactment of the

College Opportunity and Affordability Act of 2007, the Secretary shall post on the College Navigator website and make available to institutions of higher education, students, families, and other consumers, in a consumer-friendly manner, the following information about each institution of higher education for the most recent academic year for which the Secretary has available data:

"(A) A statement of the institution's mission and specialties.

"(B) Total number of undergraduate students who applied, were admitted, and enrolled at the institution.

"(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

"(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

"(E) Percentage of male and female undergraduate students enrolled at the institution.

"(F) Percentage of enrolled undergraduate students from the State in which the institution

is located, from other States, and from other countries.

"(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

"(H) Percentage of enrolled undergraduate students at the institution registered with the office of disability services (or equivalent department) as students with disabilities.

"(I) Retention rates for full-time and part-time first-time, first-year undergraduate students enrolled at the institution.

"(J) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

"(K) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5, and 6 years (in the case of 2-year and 4-year institutions), including by income category, as defined in paragraph (4).

"(L) Number of students who obtained a certificate or an associates, bachelors, masters, or doctoral degree at the institution.

"(M) Undergraduate major areas of study with the highest number of degrees awarded.

"(N) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty, and graduate teaching and research assistants with instructional responsibilities, at the institution.

"(O) Percentage of faculty at the institution with the highest degree in their field.

"(P) Percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the 3 most recent preceding academic years.

"(Q) Total average annual cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

"(i) full-time undergraduate students living on campus;

"(ii) full-time undergraduate students living off campus; and

"(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off campus.

"(R) Average annual grant amount (including Federal, State, and institutional aid) broken down by income category as defined in paragraph (4) for a student enrolled at the institution.

"(S) Average annual amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

"(T) Total annual grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

"(U) Percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

"(V) Number of students receiving Federal Pell Grants at the institution.

"(W) Average net price of the institution calculated for each income category, as defined in paragraph (4), for each of the 3 most recent preceding academic years.

"(X) Percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

"(Y) The institution's cohort default rate, as defined under section 435(m).

"(Z) Information on the policies of the institution related to transfer of credit from other institutions.

"(AA) Information on campus safety required to be collected under section 485(f).

"(BB) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

"(CC) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as in-

ternship opportunities, career and placement services, and preparation for further education.

"(2) DATA COLLECTION.—The Commissioner of Education Statistics shall continue to redesign the relevant parts of the Integrated Postsecondary Education Data System to include additional data as required by this subsection and to continue to improve the usefulness and timeliness of data collected by such System in order to inform consumers about institutions of higher education.

"(3) HIGHER EDUCATION PRICING SUMMARY PAGE.—The Secretary shall make publicly available on an annual basis, in a sortable and searchable electronic format on the College Navigator website, a list of all institutions of higher education participating in aid programs under title IV of this Act that includes for each such institution:

"(A) The undergraduate tuition and fees for the upcoming academic year.

"(B) The average annual net price by income category, as defined in paragraph (4), over the 3 most recent preceding academic years.

"(C) The average annual percentage change and dollar change in such institution's

tuition and fees over the 3 most recent preceding academic years.

"(D) The average annual percentage change and dollar change in such institution's per student instructional spending over the 3 most recent preceding academic years.

"(E) The difference between the average annual percentage change in such institution's tuition and fees over the 3 most recent preceding academic years and the postsecondary education price indices, as defined in subsection (i).

"(F) A link to the institution information on the College Navigator website, as detailed in paragraph (1).

"(4) INCOME CATEGORIES.—

"(A) IN GENERAL.—For purposes of reporting the information required under this subsection and compiling information for the net price calculator, the following income categories shall apply:

"(i) $0–35,000;

"(ii) $35,001–70,000;

"(iii) $70,001–105,000;

"(iv) $105,001–140,000; and

"(v) $140,000 and up.

"(B) ANNUAL ADJUSTMENT.—The Secretary shall make available to all institutions of higher education participating in an aid program under title IV of this Act, on an annual basis, the annual inflation adjustment for the income categories set forth in subparagraph (A).

"(C) IMPRACTICABLE REPORTING EXEMPTION.—An institution that is required by this subsection to report any information pertaining to institutional aid by income category is not required to report such information to the extent that reporting such information by income category is impractical or impossible because information concerning income is not collected from the recipients of such institutional aid.

"(k) STUDENT AID RECIPIENT SURVEY.—

"(1) SURVEY REQUIRED.—The Secretary shall conduct a survey of student aid recipients under title IV on a regular cycle and State-by-State basis, but not less than once every 4 years—

"(A) to identify the population of students receiving Federal student aid;

"(B) to describe the income distribution and other socioeconomic characteristics of federally aided students;

"(C) to describe the combinations of aid from State, Federal, and private sources received by students from all income groups;

"(D) to describe the debt burden of educational loan recipients and their capacity to repay their education debts, and the impact of such debt burden on career choices;

"(E) to describe the role played by the price of postsecondary education in the determination by students of what institution to attend; and

"(F) to describe how the increased costs of textbooks and other instructional materials affects the costs of postsecondary education to students.

"(2) SURVEY DESIGN.—The survey shall be representative of full-time and part-time, undergraduate, graduate, professional, and current and former students in all types of institutions, and designed and administered in consultation with the Congress and the postsecondary education community.

"(3) DISSEMINATION.—The Commissioner of Education Statistics shall disseminate the information resulting from the survey in both printed and electronic form.

"(l) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.".

(b) SENSE OF CONGRESS REGARDING CONSUMER INFORMATION ABOUT INSTITUTIONS OF HIGHER EDUCATION.—

(1) FINDINGS.—Congress finds that—

(A) the diversity of the American higher education systems allows each student to find the right "fit" for his or her interests and talents;

(B) while the variety of options available is one of the great strengths of our system of higher education, it can also be overwhelming when students and their families begin a college search;

(C) there is a massive amount of information available about institutions of higher education, but it is often difficult to navigate or is scattered among several sources;

(D) the data collected and available is comprehensive; however, there is a need to keep consumer needs in mind in packaging the information that already exists and presenting the information in a simple, consumer-friendly format;

(E) in particular, prospective students and their families want a succinct overview of common key information about institutions, with easy access to more in-depth institution-specific information about campus life and the complete college experience; and

(F) a variety of efforts have been initiated by colleges and universities and others to provide web-based, consumer-friendly information geared to prospective students and their families.

(2) SENSE OF CONGRESS.—It is the sense of Congress that institutions of higher education should participate in efforts to provide concise, easily accessible, on-line consumer information to prospective students and families that is consistent across institutions while permitting opportunities for more in-depth exploration of specific institutions.

SEC. 110. TEXTBOOK INFORMATION.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 133 (as added by section 109 of this Act) the following new section:

"SEC. 134. TEXTBOOK INFORMATION.

"(a) PURPOSE AND INTENT.—The purpose of this section is to ensure that every student in higher education is offered better and more timely access to affordable course materials by educating and informing faculty, students, administrators, institutions of higher education, bookstores, distributors, and publishers on all aspects of the selection, purchase, sale, and use of course materials. It is the intent of this section—

"(1) to have all involved parties work together to identify ways to decrease the cost of college textbooks and supplemental materials for students while protecting the academic freedom of faculty members to select high quality course materials for students; and

"(2) to encourage—

"(A) college textbook publishers and distributors to work with faculty to promote understanding of the cost to students of purchasing faculty selected textbooks, including the disclosure of prices and bundling practices;

"(B) college bookstores to work with faculty to review timelines and processes for ordering and stocking course materials, and to disclose costs to faculty and students in a timely manner;

"(C) institutions of higher education to implement numerous options to address college textbook affordability;

"(D) institutions of higher education to work with student organizations to help students understand the factors driving textbook costs and available methods and resources to mitigate the effects of those costs; and

"(E) innovation in the development and use of course materials (including course materials utilizing the principles of universal design) and technologies that can help students receive the full value of their educational investment.

"(b) DEFINITIONS.—In this section:

"(1) BUNDLE.—The term 'bundle' means one or more college textbooks or other supplemental learning materials that may be packaged together to be sold as course materials for one price.

"(2) COLLEGE TEXTBOOK.—The term 'college textbook' means a textbook or a set of textbooks,

used for, or in conjunction with, a course in postsecondary education at an institution of higher education.

"(3) COURSE SCHEDULE.—The term 'course schedule' means a listing of the courses or classes offered by an institution of higher education for an academic period, as defined by the institution.

"(4) CUSTOM TEXTBOOK.—The term 'custom textbook'—

"(A) means a college textbook that is compiled at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education; and

"(B) may include, alone or in combination, items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, and elements unique to a specific institution, such as commemorative editions.

"(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102.

"(6) INTEGRATED TEXTBOOK.—The term 'integrated textbook' means a college textbook that is

combined with materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined.

"(7) PUBLISHER.—The term 'publisher' means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce.

"(8) SUBSTANTIAL CONTENT.—The term 'substantial content' means parts of a college textbook, such as new chapters, additional eras of time, new themes, or new subject matter.

"(9) SUPPLEMENTAL MATERIAL.—The term 'supplemental material' means educational material developed to accompany a college textbook, which—

"(A) may include printed materials, computer disks, website access, and electronically distributed materials; and

"(B) is not bound by third-party contractual agreements to be sold in an integrated textbook.

"(c) PUBLISHER REQUIREMENTS.—

"(1) COLLEGE TEXTBOOK PRICING INFORMATION.—When a publisher provides a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher

education with information regarding a college textbook or supplemental material, the publisher shall include, with any such information and in writing (which may include electronic communications), the following:

"(A) The price at which the publisher would make the college textbook or supplemental material available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

"(B) The copyright dates of all previous editions of such college textbook in the preceding 10 years, if any.

"(C) The substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition, if any.

"(D) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound, and the price at which the publisher would make the college textbook or supplemental material in the other format available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

"(2) UNBUNDLING OF COLLEGE TEXTBOOKS FROM SUPPLEMENTAL MATERIALS.—A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundle shall also make available the college textbook and each supplemental material as separate and unbundled items, each separately priced.

"(3) CUSTOM TEXTBOOKS.—To the maximum extent practicable, publishers shall provide the information required under this subsection with respect to the development and provision of custom textbooks.

"(d) PROVISION OF ISBN COLLEGE TEXTBOOK INFORMATION IN COURSE SCHEDULES.—

"(1) INTERNET COURSE SCHEDULES.—Each institution of higher education, to the maximum extent practicable, shall—

"(A) disclose the International Standard Book Number and retail price information of required and recommended textbooks, related materials, and supplies for each course listed in the institution's course schedule used for preregistration and registration purposes;

"(B) if the International Standard Book Number is not available for the items listed in

subparagraph (A), use the author, title, publisher, and copyright date; and

"(C) if the institution determines that the disclosure of the information described in the preceding subparagraphs for a course is not practicable for a textbook, related material, or supply, then it should so indicate by placing the designation 'To Be Determined' in lieu of the information required under such subparagraphs.

"(2) WRITTEN COURSE SCHEDULES.—In the case of an institution of higher education that does not publish the institution's course schedule for the subsequent academic period on the Internet, the institution of higher education shall include the information required under paragraph (1) in any printed version of the institution's course schedule as it is available at the time of the course schedule's printing.

"(e) AVAILABILITY OF INFORMATION FOR COLLEGE BOOKSTORES.—An institution of higher education shall make available, as soon as is practicable, upon the request of any college bookstore, the most accurate information available regarding—

"(1) the institution's course schedule for the subsequent academic period; and

"(2) for each course or class offered by the institution for the subsequent academic period—

"(A) the information required by subsection (d)(1) for each college textbook or supplemental material required or recommended for such course or class;

"(B) the number of students enrolled in such course or class; and

"(C) the maximum student enrollment for such course or class.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supercede the institutional autonomy or academic freedom of instructors involved in the selection of college textbooks and classroom materials.

"(g) EFFECTIVE DATE.—This section shall be effective on and after July 1, 2008.".

SEC. 111. DATABASE OF STUDENT INFORMATION PROHIBITED.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 134 (as added by section 110 of this Act) the following new section:

"SEC. 135. DATABASE OF STUDENT INFORMATION PROHIBITED.

"(a) PROHIBITION.—Except as described in subsection (b), nothing in this Act shall be construed to authorize the Secretary to develop, implement, or maintain a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

"(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that is necessary for the operation of programs authorized by title II, IV, or VII, or data required to be collected by the Secretary under this Act (including section 133(g)), that were in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the College Opportunity and Affordability Act of 2008.

"(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, stu-

dent financial assistance, and graduate employment outcomes.''.

SEC. 112. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND DEPENDENTS.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

''SEC. 136. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND DEPENDENTS.

''(a) REQUIREMENT.—A member of the armed forces on active duty for a period of more than 30 days whose domicile or permanent duty station is in a State, and the dependents of such a member, may not be charged tuition for attendance at a public institution of higher education in that State at a rate that is greater than the rate charged for residents of that State.

''(b) CONTINUATION.—If a member of the armed forces, or a dependent of a member, pays tuition at a public institution of higher education in a State at a rate determined by reason of subsection (a), the provisions of subsection (a) shall continue to apply to such member or dependent while continuously enrolled at that institution,

notwithstanding a subsequent change in the permanent duty station of the member to a location outside the State.

"(c) EFFECTIVE DATE.—This section shall take effect at each public institution of higher education in a State at the beginning of the first period of enrollment at that institution that begins more than 90 days after the date of enactment of the Military Child College Affordability Act.

"(d) DEFINITIONS.—For purposes of this section:

"(1) STATE.—The term 'State' has the meaning given that term in section 103 of this Act.

"(2) MILITARY DEFINITIONS.—The terms 'armed forces' and 'active duty for a period of more than 30 days' have the meanings given those terms in section 101 of title 10, United States Code.".

SEC. 113. ENDOWMENT REPORTING.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

"SEC. 137. ENDOWMENT REPORTING.

"Each institution of higher education shall annually submit to the Secretary, in a form prescribed by the Secretary, a report on the expenditures made by such institution from any endowment funds of the institution for the purpose of reducing the costs of the programs of instruc-

tion offered by such institution, including the specific amounts expended for grants and other aid to reduce the amounts charged for tuition, fees, textbooks, meals, room and board.''.

SEC. 114. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

''SEC. 138. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist not more than 5 States to develop State-level postsecondary student data systems to—

''(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

''(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maxi-

mize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

"(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State higher education system; or

"(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

"(c) COMPETITIVE GRANTS.—

"(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than 5 eligible entities to enable the eligible entities to—

"(A) design, test, and implement postsecondary student data systems that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

"(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

"(2) DURATION.—A grant awarded under this section shall be for a period of not more than 3 years.

"(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines is necessary, including a description of—

"(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g); and

"(2) how the activities funded by the grant will be supported after the 3-year grant period.

"(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

"(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within States;

"(2) improve the capacity of institutions of higher education to analyze and use student data;

"(3) select and define common data elements, data quality, and other elements that will enable the data system to—

"(A) serve the needs of institutions of higher education for institutional research and improvement;

"(B) provide students and the students' families with useful information for decision-making about postsecondary education;

"(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

"(4) estimate costs and burdens at the institutional level for reporting to the postsecondary student data system; and

"(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

"(f) EVALUATION; REPORTS.—Not later than 6 months after the end of the projects funded by grants awarded under this section, the Secretary shall—

"(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

"(2) report the Secretary's findings, as well as recommendations regarding the implementation of

State-level postsecondary student data systems to the authorizing committees.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

SEC. 115. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

''SEC. 151. DEFINITIONS.

''In this part:

''(1) COVERED INSTITUTION.—The term 'covered institution'—

''(A) means any educational institution that—

''(i) offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102); and

''(ii) receives any Federal funding or assistance; and

"(B) includes an authorized agent of the educational institution (including an alumni association, booster club, or other organization directly or indirectly authorized by such institution) or an employee of such institution.

"(2) EDUCATIONAL LOAN.—The term 'educational loan' (except when used as part of the term 'private educational loan') means—

"(A) any loan made, insured, or guaranteed under title IV; or

"(B) a private educational loan (as defined in paragraph (6)).

"(3) PREFERRED LENDER ARRANGEMENT.—The term 'preferred lender arrangement'—

"(A) means an arrangement or agreement between a lender and a covered institution—

"(i) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

"(ii) which arrangement or agreement relates to the covered institution recommending, promoting, or endorsing the educational loan product of the lender; and

"(B) does not include—

"(i) arrangements or agreements with respect to loans under parts D or E of title IV; or

"(ii) arrangements or agreements with respect to loans under section 499(b).

"(4) LENDER.—

"(A) IN GENERAL.—The term 'lender'—

"(i) means a creditor, except that such term shall not include an issuer of credit secured by a dwelling or under an open end credit plan; and

"(ii) includes an agent of a lender.

"(B) INCORPORATION OF TILA DEFINITIONS.—The terms 'creditor', 'dwelling', and 'open end credit plan' have the meanings given such terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

"(5) OFFICER.—The term 'officer' includes a director or trustee of a covered institution, if such individual is treated as an employee of the covered institution.

"(6) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan' means a private loan provided by a lender that—

"(A) is not made, insured, or guaranteed under title IV; and

"(B) is issued by a lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends.

"(7) POSTSECONDARY EDUCATIONAL EXPENSES.—The term 'postsecondary educational expenses' means any of the expenses that are included as part of a student's cost of attendance, as defined under section 472.

"SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

"(a) CERTIFICATION BY LENDERS.—In addition to any other disclosure required under Federal law, each lender under part B of title IV that participates in one or more preferred lender arrangements shall annually certify its compliance with the requirements of this Act. Such compliance of such preferred lender arrangement shall be reported on and attested to annually by the auditor of such lender in the audit conducted pursuant to section 428(b)(1)(U)(iii).

"(b) USE OF INSTITUTION NAME.—

"(1) IN GENERAL.—A covered institution that has entered into a preferred lender arrangement with a lender regarding private educational loans shall not agree to the lender's use of the name, emblem, mascot, or logo of the institution, or other words, pictures, or symbols readily identified with the institution, in the marketing of private educational loans to the students attending the institution in any way that implies that the institution endorses the private educational loans offered by the lender.

"(2) APPLICABILITY.—Paragraph (1) shall apply to any preferred lender arrangement, or extension of such arrangement, entered into or renewed after the date of enactment of the College Opportunity and Affordability Act of 2008.

"SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

"(a) DUTIES OF THE SECRETARY.—

"(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the College Opportunity and Affordability Act of 2008, the Secretary shall—

"(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

"(B) develop and prescribe by regulation a model disclosure form to be used by lenders and covered institutions in carrying out subsections (b) and (c) that—

"(i) will be easy for students and parents to read and understand;

"(ii) will be easily usable by lenders, institutions, guaranty agencies, and loan servicers;

"(iii) will provide students and parents with the relevant, meaningful, and standard information about the terms and conditions for both Federal and private educational loans;

"(iv) is based on the report's findings and developed in consultation with—

"(I) students;

"(II) representatives of covered institutions, including financial aid administrators, registrars, business officers, and student affairs officials;

"(III) lenders;

"(IV) loan servicers;

"(V) guaranty agencies; and

"(VI) with respect to the requirements of clause (vi) concerning private educational loans, the Board of Governors of the Federal Reserve System;

"(v) provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loan (including opportunity pools as defined in section 155(f)) provided to such students or parents by the lender, including—

"(I) the rate of interest, or the potential range of rates of interest,

applicable to the loan, and whether such rates are fixed or variable;

"(II) limitations, if any, on interest rate adjustments, both in terms of frequency and amount, or lack thereof;

"(III) co-borrower requirements, including changes in interest rates;

"(IV) any fees associated with the loan;

"(V) the repayment terms available on the loan;

"(VI) the opportunity for deferment or forbearance in repayment of the loan, including whether the loan payments can be deferred if the student is in school;

"(VII) any additional terms and conditions applied to the loan, including any benefits that are contingent on the repayment behavior of the borrower;

"(VIII) the annual percentage rate for such loans, determined in the manner required under section 107 of

the Truth in Lending Act (15 U.S.C. 1606);

"(IX) an example of the total cost of the educational loan over the life of the loan which shall be calculated—

"(aa) using a principal amount and the maximum rate of interest actually offered by the lender; and

"(bb) both with and without capitalization of interest, if that is an option for postponing interest payments;

"(X) the consequences for the borrower of defaulting on a loan, including any limitations on the discharge of an educational loan in bankruptcy;

"(XI) contact information for the lender; and

"(XII) any philanthropic contributions made by the lender to the covered institution, including the pur-

pose of the contribution and any conditions related to its use; and

"(vi) provides, in addition, with respect to private educational loans, the following information with respect to loans made by each lender recommended by the covered institution:

"(I) the method of determining the interest rate of the loan;

"(II) potential finance charges, late fees, penalties, and adjustments to principal, based on defaults or late payments of the borrower; and

"(III) such other information as the Secretary may require; and

"(C)(i) submit the report and model disclosure form to the authorizing committees; and

"(ii) make the report and model disclosure form available to covered institutions, lenders, and the public.

"(2) MODEL FORM UPDATE.—Not later than 1 year after the submission of the report and model disclosure form described in paragraph (1)(B), the Secretary shall—

"(A) assess the adequacy of the model disclosure form;

"(B) after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, business officers, and student affairs officials), lenders, loan servicers, guaranty agencies, and the Board of Governors of the Federal Reserve System—

"(i) prepare a list of any improvements to the model disclosure form that have been identified as beneficial to borrowers; and

"(ii) update the model disclosure form after taking such improvements into consideration; and

"(C)(i) submit the list of improvements and updated model disclosure form to the authorizing committees; and

"(ii) make the updated model disclosure form available to covered institutions, lenders, and the public.

"(3) USE OF FORM.—The Secretary shall take such steps as necessary to make the model disclo-

sure form, and the updated model disclosure form, available to covered institutions and to encourage—

"(A) lenders subject to subsection (b) to use the model disclosure form or updated model disclosure form (if available) in providing the information required under subsection (b); and

"(B) covered institutions to use such format in preparing the information reported under subsection (c).

"(4) PROCEDURES.—Sections 482(c) and 492 of this Act shall not apply to the model disclosure form prescribed under paragraph (1)(B), but shall apply to the updating of such form under paragraph (2).

"(b) LENDER DUTIES.—Each lender that has a preferred lender arrangement with a covered institution shall, by March 1 of each year, or such other date determined by the Secretary, provide to the covered institution and to the Secretary the information included on the model disclosure form or an updated model disclosure form (if available) for each type of educational loan (including opportunity pools as defined in section 155(f)) to be offered by the lender to students attending the covered institution, or the parents of such students, for the forthcoming academic year.

"(c) COVERED INSTITUTION REPORTS.—Each covered institution shall—

"(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has a preferred lender arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

"(A) the information included on the model disclosure form or updated model disclosure form (if available) for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

"(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

"(2) ensure that the report required under paragraph (1) is made available to the public and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such

information into account before applying for or selecting an educational loan.

"(d) DISCLOSURES BY COVERED INSTITUTIONS.—A covered institution shall disclose, on its website and in the informational materials described in subsection (e)—

"(1) a statement that—

"(A) indicates that students are not limited to or required to use the lenders the institution recommends; and

"(B) the institution is required to process the documents required to obtain a Federal educational loan from any eligible lender the student selects;

"(2) at a minimum, all of the information provided by the model disclosure form prescribed under subsection (a)(1)(B), or updated model disclosure form (if available), with respect to any lender recommended by the institution for Federal educational loans and, as applicable, private educational loans (including opportunity pools as defined in section 155(f));

"(3) the maximum amount of Federal grant and loan aid available to students in an easy-to-understand format; and

"(4) the institution's cost of attendance (as determined under section 472).

"(e) INFORMATIONAL MATERIALS.—The informational materials described in this subsection are publications, mailings, or electronic messages or media distributed to prospective or current students and parents of students that describe or discuss the financial aid opportunities available to students at an institution of higher education.

"SEC. 154. PRIVATE EDUCATIONAL LOAN DISCLOSURE REQUIREMENTS FOR COVERED INSTITUTIONS.

"A covered institution that provides information to any student, or the parent of such student, regarding a private educational loan from a lender shall, prior to or concurrent with such information—

"(1) inform the student or parent of—

"(A) the student or parent's eligibility for assistance and loans under title IV; and

"(B) the terms and conditions of such private educational loan that may be less favorable than the terms and conditions of educational loans for which the student or parent is eligible, including interest rates, repayment options, and loan forgiveness; and

"(2) ensure that information regarding such private educational loan is presented in such a manner as to be distinct from information regarding loans that are made, insured, or guaranteed under title IV.

"SEC. 155. INTEGRITY PROVISIONS.

"(a) INSTITUTION CODE OF CONDUCT REQUIRED.—

"(1) CODE OF CONDUCT.—Each institution of higher education that participates in the Federal student loan programs under title IV or has students that obtain private educational loans shall—

"(A) develop a code of conduct in accordance with paragraph (2) with which its officers, employees, and agents shall comply with respect to educational loans;

"(B) publish the code of conduct prominently on its website; and

"(C) administer and enforce such code in accordance with the requirements of this subsection.

"(2) CONTENTS OF CODE.—The code required by this section shall—

"(A) prohibit a conflict of interest with the responsibilities of such officer, employee, or agent with respect to educational loans; and

"(B) at a minimum, include provisions in compliance with the provisions of the following subsections of this section.

"(3) TRAINING AND COMPLIANCE.—An institution of higher education shall administer and enforce a code of conduct required by this section by, at a minimum, requiring all of its officers, employees, and agents with responsibilities with respect to educational loans to obtain training annually in compliance with the code.

"(b) GIFT BAN.—

"(1) PROHIBITION.—No officer, employee, or agent of a covered institution who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans, shall solicit or accept any gift from a lender, guarantor, or servicer of educational loans.

"(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Department of Education shall investigate any reported violation of this subsection and shall annually submit a report to the authorizing committees identifying all substantiated violations of the gift ban under paragraph (1), including the lenders and covered institutions involved in each such violation, for the preceding year.

"(3) DEFINITION OF GIFT.—

"(A) IN GENERAL.—In this subsection, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount. The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(B) EXCEPTIONS.—The term 'gift' shall not include any of the following:

"(i) Standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training.

"(ii) Food, refreshments, training, or informational material furnished to an officer, employee, or agent of an institution as an integral part of a training session that is designed to improve the service of a lender, guarantor, or servicer of educational loans to the covered institution, if such training contributes to the profes-

sional development of the officer, employee, or agent of the institution.

"(iii) Favorable terms, conditions, and borrower benefits on an educational loan provided to a student employed by the covered institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution.

"(iv) Entrance and exit counseling services provided to borrowers to meet a covered institution's responsibilities for entrance and exit counseling as required by section 485(b) provided that—

"(I) a covered institution's staff are in control of the counseling (whether in person or via electronic capabilities); and

"(II) such counseling does not promote the products or services of any lender.

"(v) Philanthropic contributions to a covered institution from a lender, guarantor, or servicer of educational loans that are unrelated to educational loans, provided, as applicable, that such contribu-

tions are disclosed pursuant to section 153(a)(1) and section 153(a)(2).

"(vi) State education grants, scholarships, or financial aid funds administered by or on behalf of a State.

"(C) RULE FOR GIFTS TO FAMILY MEMBERS.—For purposes of this section, a gift to a family member of an officer, employee, or agent of a covered institution, or a gift to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if—

"(i) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

"(ii) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

"(c) CONTRACTING ARRANGEMENTS PROHIBITED.—

"(1) PROHIBITION.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans, shall not

accept from any lender or affiliate of any lender (as the term affiliate is defined in section 487(a)) any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender.

"(2) EXCEPTIONS.—Nothing in this subsection shall be construed as prohibiting—

"(A) an officer, employee, or agent of a covered institution who is not employed in the institution's financial aid office, or who does not otherwise have responsibilities with respect to educational loans, from paid or unpaid service on a board of directors of a lender, guarantor, or servicer of educational loans;

"(B) an officer, employee, or agent of a covered institution who is not employed in the financial aid office but who has responsibility with respect to educational loans as a result of a position held at the covered institution, from paid or unpaid service on a board of directors of a lender, guarantor, or servicer of educational loans, provided that the covered institution has a written conflict of interest policy

that clearly sets forth that such an officer, employee, or agent must be recused from participating in any decision of the board with respect to any transaction regarding educational loans; or

"(C) an officer, employee, or agent of a lender, guarantor, or servicer of educational loans from serving on a board of directors or serving as a trustee of a covered institution, provided that the covered institution has a written conflict of interest policy that clearly sets forth the procedures to be followed in instances where such a board member's or trustee's personal or business interests with respect to educational loans may be advanced by an action of the board of directors or trustees, including a provision that such a board member or trustee may not participate in any decision to approve any transaction where such conflicting interests may be advanced.

"(d) BAN ON REVENUE SHARING ARRANGEMENTS.—

"(1) PROHIBITION.—A covered institution shall not enter into any revenue sharing arrangement with any lender.

"(2) DEFINITION.—For purposes of this subsection, a revenue sharing arrangement is an arrangement between a covered institution and a lender under which—

"(A) a lender provides or issues educational loans to students attending the institution or to parents of such students; and

"(B)(i) the institution recommends the lender or the loan products of the lender; and

"(ii) in exchange, the lender pays a fee or provides other material benefits, including revenue or profit sharing, to the institution or officers, employees, or agents of the institution.

"(e) BAN ON STAFFING ASSISTANCE.—

"(1) PROHIBITION.—A covered institution shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

"(2) CERTAIN ASSISTANCE PERMITTED.—Nothing in paragraph (1) shall be construed to prohibit a covered institution from requesting or accepting assistance from a lender related to—

"(A) professional development training for financial aid administrators;

"(B) providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials; or

"(C) staffing services on a short-term, non-recurring basis to assist the institution with financial aid-related functions during emergencies, including State-declared or federally declared natural disasters, federally declared national disasters, and other localized disasters and emergencies identified by the Secretary.

"(f) PROHIBITION ON OFFERS OF FUNDS FOR PRIVATE LOANS.—

"(1) PROHIBITION.—A covered institution shall not request or accept from any lender any offer of funds, including any opportunity pool, to be used for private educational loans to students in exchange for the covered institution providing concessions or promises to the lender with respect to such institution providing the lender with a specified number of loans, a specified loan volume, or a preferred lender arrangement for any loan made, insured, or guaran-

teed under title IV, and a lender shall not make any such offer.

"(2) DEFINITION.—In this subsection, the term 'opportunity pool' means an educational loan made by a private lender to a student attending the covered institution or the parent of such a student that is in any manner guaranteed by a covered institution, or that involves a payment, directly or indirectly, by such an institution of points, premiums, payments, additional interest, or other financial support to such lender for the purpose of such lender extending credit to either the students or the parents of students of the institution.

"(g) BAN ON PARTICIPATION ON ADVISORY COUNCILS.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans, shall not serve on or otherwise participate with advisory councils of lenders or affiliates of lenders. Nothing in this subsection shall prohibit lenders from seeking advice from covered institutions or groups of covered institutions (including through telephonic or electronic means, or a meeting) in order to improve products and services for borrowers, provided there are no gifts or compensation (including for transportation, lodging, or related expenses)

provided by lenders in connection with seeking this advice from such institutions. Nothing in this subsection shall prohibit an officer, employee, or agent of a covered institution from serving on the board of directors of a lender if required by State law.

"SEC. 156. COMPLIANCE AND ENFORCEMENT.

"(a) CONDITION OF ANY FEDERAL ASSISTANCE.—Notwithstanding any other provision of law, a covered institution or lender shall comply with this part as a condition of receiving Federal funds or assistance provided after the date of enactment of the College Opportunity and Affordability Act of 2008.

"(b) PENALTIES.—Notwithstanding any other provision of law, if the Secretary determines, after providing notice and an opportunity for a hearing for a covered institution or lender, that the covered institution or lender has violated subsection (a)—

"(1) in the case of a covered institution, or a lender that does not participate in a loan program under title IV, the Secretary may impose a civil penalty in an amount of not more than $27,500; and

"(2) in the case of a lender that does participate in a program under title IV, the Secretary may impose a civil penalty in an amount of not more

than $27,500, or limit, terminate, or suspend the lender's participation in such program.

"(c) CONSIDERATIONS.—In taking any action against a covered institution or lender under subsection (b), the Secretary shall take into consideration the nature and severity of the violation of subsection (a).

"SEC. 157. STUDENT LOAN COUNSELING.

"(a) BORROWER CONTACT.—

"(1) FFEL LOANS.—Each holder of a loan under part B of title IV shall contact the borrower each year after five years has passed from the date that a borrower first selected either a graduated, extended, income sensitive, or income contingent repayment plan to ascertain if the borrower is able to select a repayment plan with a shorter repayment period that would reduce the total interest paid on the borrower's loan or loans under this part.

"(2) DIRECT LOANS.—The Secretary shall contact the borrower of each loan under part D or E of title IV each year after five years has passed from the date that a borrower first selected either an extended, graduated, income contingent, or alternative repayment plan to ascertain if the borrower is able to select a repayment plan for a shorter repayment

period that would reduce the total interest paid on the borrower's loan under this part.

"(b) REQUIRED DISCLOSURE BEFORE DISBURSEMENT.—

"(1) DISCLOSURES BEFORE REPAYMENT.—Each lender of a loan under part B of title IV, and the Secretary with respect to each loan under part D or E of such title, shall provide to the borrower before repayment begins an explanation of principal to be borrowed, current balance, interest already paid, and interest due over the life of the loan, options by which borrowers may avoid or be removed from default, relevant fees associated with these options, and repayment options available to the borrower entering repayment, including income contingent repayment and income-based repayment.

"(2) DISCLOSURES DURING REPAYMENT.—Each lender of a loan under part B of title IV, and the Secretary with respect to each loan under part D or E of such title, shall provide to the borrower during repayment an explanation of principal borrowed, current balance, interest already paid and interest due over the life of the loan, options by which borrowers may avoid or be removed from default, relevant fees associated with these options, and re-

payment options available to the borrower entering repayment, including income contingent repayment and income-based repayment. Each such lender and the Secretary shall also notify any borrower who tells the lender or the Secretary that the borrower is having difficulty making payments of the repayment options available, including forbearance. Each such lender and the Secretary shall make an explanation of repayment options available to the borrower, including income contingent repayment and forbearance, before the loan is disbursed, before repayment, and during repayment if the borrower notifies the lender or the Secretary that the borrower is having difficulty making payments.

''(c) INSTITUTIONAL COUNSELING.—

''(1) IN GENERAL.—Each institution of higher education shall, through financial aid officers or otherwise, make available counseling to borrowers of loans which are made, insured, or guaranteed under part B (other than loans made pursuant to section 428B) of this title or made under part D or E of this title prior to their signing the first promissory note. The counseling shall include—

''(A) average indebtedness of borrowers at that school, to be supplied by the Secretary;

"(B) sample monthly repayment amounts based on a range of student levels of indebtedness and on the average indebtedness of Stafford loan borrowers at the same school or in the same program of study at the same school;

"(C) data to be supplied by the Secretary on starting salaries for graduates of institutions by type and control of institution, and field of study;

"(D) repayment options available to the borrower when entering repayment, including income contingent repayment and income-based repayment;

"(E) detail to be supplied by the Secretary on how interest accrues and is capitalized during periods when it is not being paid by either the borrower or the Secretary; and

"(F) the likely consequences of default, including adverse credit reports, Federal offset, and litigation.

"(2) USE OF ELECTRONIC MEANS.—If initial counseling is conducted through interactive electronic means, the institution of higher education shall take reasonable steps to ensure that each stu-

1 dent borrower receives the counseling materials, and
2 participates in and completes the initial counseling.
3 "(d) DEPARTMENT OF EDUCATION INFORMATION
4 DISCLOSURE AND TECHNICAL ASSISTANCE.—
5 "(1) OBLIGATION.—The Secretary shall display
6 on the Department of Education website and provide
7 to colleges and universities the following information
8 to be used for counseling and consumer information
9 for prospective borrowers:
10 "(A) Regional data on starting salaries in
11 all major fields.
12 "(B) The increase in debt that results
13 from forbearance on all loans and from capital-
14 ization of interest on unsubsidized loans.
15 "(C) The various repayment options avail-
16 able in the Federal student loan programs, in-
17 cluding the availability of the income contingent
18 repayment (ICR) program and the income-
19 based repayment programs (IBR).
20 "(D) The Federal Government's powers to
21 collect student loans, even when student bor-
22 rowers are in bankruptcy.
23 "(2) PUBLICITY.—The Secretary shall make
24 the location of the information under paragraph (1)
25 widely known among the public, institutions, and

lenders, and promote the use of such information by prospective students, enrolled students, and borrowers after entering repayment.''.

SEC. 116. FEASIBILITY STUDY FOR NATIONAL ELECTRONIC STUDENT LOAN MARKETPLACE.

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a study of the feasibility of developing a National Electronic Student Loan Marketplace that would provide for one or more of the following:

(1) A registry of real-time information on Federal student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965) and private educational loans (as defined in section 151 such Act of 1965 (as amended by this Act)) for both undergraduate and graduate students, and parents of students, for use by prospective borrowers or any person desiring information regarding available interest rates, fees, and other terms from lenders.

(2) Means by which lenders that participate in such marketplace would be bound to honor advertised rates or benefits.

(3) A mechanism whereby borrowers and student financial aid officials could publicly post or otherwise make available for users accessing the system

their comments, opinions, or ratings concerning their experience as to the quality of lenders' loan products and loan servicing and other measurements or indicators of customer satisfaction.

(4) A mechanism whereby prospective borrowers could be matched with lenders that offer highly competitive products and loan servicing quality, including any procedures and safeguards necessary to minimize potentially adverse effects of multiple inquiries into participating borrowers' credit histories recorded by credit reporting agencies.

(5) Options concerning the establishment and ongoing maintenance of such a system, including whether such a system should be operated by one or more nonprofit or for-profit entities, how these entities should structure or organize such a system in order to provide the highest assurance of independence from, and the absence of any conflicting interest with, lenders participating in such a system, and methods to finance such a system at no or minimal cost to consumers and the Government.

(6) Other features that the Secretary determines could help prospective borrowers make informed decisions in selecting lenders from whom to obtain Federal and private educational loans.

(b) CONSULTATION.—In conducting the study required by this section, the Secretary of Education shall consult with—

(1) the Federal Trade Commission;

(2) representatives of student loan borrowers;

(3) representatives from institutions of higher education, including financial aid administrators, registrars, business officers, and student affairs officials;

(4) Federal and private education loan lenders, loan servicers, and guaranty agencies; and

(5) any other appropriate agency that is a member of the Financial Literacy and Education Commission established under the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.).

(c) REPORT.—Not later than 6 months after completion of the model interest rate report format required under section 153(a)(1) of the Higher Education Act of 1965 (as amended by this Act), the Secretary of Education shall submit a report to the authorizing committees (as defined in section 103 of such Act) concerning the findings of the feasibility study together with an assessment of the advantages and disadvantages for consumers,

institutions of higher education, lenders, and the Government of establishing such a system.

TITLE II—TITLE II REVISION

SEC. 201. REVISION OF TITLE II.

Title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

"TITLE II—TEACHER QUALITY ENHANCEMENT

"SEC. 200. DEFINITIONS.

''For purposes of this title:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

''(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A)

of the Elementary and Secondary Education Act of 1965.

"(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

"(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), and includes Migrant and Seasonal Head Start and American Indian/Alaska Native Head Start;

"(B) a State licensed or regulated child care program or school; or

"(C) a State prekindergarten program (including a program authorized under section 619 or part C of the Individuals with Disabilities Education Act) that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and pre-numeracy), social, emotional, and physical development.

"(5) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

"(6) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

"(8) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(9) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

"(10) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

"(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

"(ii) that serves not fewer than 10,000 children from low-income families; or

"(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of the schools that are served by the agency are designated with a school locale code of Rural: Fringe, Rural: Distant, or Rural: Remote, as determined by the Secretary; and

"(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

"(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

"(11) HIGH-NEED SCHOOL.—Notwithstanding section 103, the term 'high-need school' means a

public elementary school or public secondary school that—

"(A) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line; or

"(B) is designated with a school locale code of Rural: Fringe, Rural: Distant, or Rural: Remote, as determined by the Secretary.

"(12) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

"(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

"(B) with—

"(i) a baccalaureate degree in an academic major in the arts and sciences; or

"(ii) an associate's degree in a related educational area; and

"(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

"(13) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

"(14) LITERACY COACH.—The term 'literacy coach' means an individual—

"(A) who—

"(i) has teaching experience and a master's degree with a concentration in reading and writing education; and

"(ii) has demonstrated proficiency (as determined by the principal of the individual's school) in teaching reading and writing in a content area such as math, science, or social studies;

"(B) whose primary role with teachers and school personnel is—

"(i) to provide high-quality professional development opportunities for teachers and school personnel related to literacy;

"(ii) with respect to the areas of reading and writing, to collaborate with paraprofessionals, teachers, principals, and

other administrators, and the community served by the school; and

"(iii) to work cooperatively and collaboratively with other professionals in planning programs to meet the needs of diverse population learners, including children with disabilities and limited English proficient individuals; and

"(C) who may provide students with—

"(i) reading or writing diagnosis and instruction; and

"(ii) reading and writing assessment, including assessment in cooperation with other professionals (such as special education teachers, speech and language teachers, and school psychologists).

"(15) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(16) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(17) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

"(18) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

"(A) increase student learning, achievement, and the ability to apply knowledge;

"(B) effectively convey and explain academic subject matter;

"(C) employ strategies grounded in the disciplines of teaching and learning that—

"(i) are based on empirically based practice and scientifically valid research, where applicable, related to teaching and learning;

"(ii) are specific to academic subject matter; and

"(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and stu-

dents with low literacy levels, and the tailoring of academic instruction to such needs;

''(D) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measure higher-order thinking skills, including application, analysis, synthesis, and evaluation;

''(E) effectively manage a classroom, including the ability to implement positive behavioral intervention support strategies;

''(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education; and

''(G) use, in the case of an early childhood educator, age-appropriate and developmentally appropriate strategies and practices for children in early education programs.

''SEC. 200A. RULE OF CONSTRUCTION.

''Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies under Federal, State, or local laws (including applicable

regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers, including the right of employees of local educational agencies to engage in collective bargaining with their employers.

"PART A—TEACHER QUALITY PARTNERSHIP GRANTS

"SEC. 201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold teacher preparation programs at institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity that—

''(A) shall include—

"(i) a high-need local educational agency;

"(ii) a high-need school or a consortium of high-need schools served by the high-need local educational agency or, as applicable, a high-need early childhood education program;

"(iii) a partner institution;

"(iv) a school, department, or program of education within such partner institution or a teacher professional development program within such partner institution; and

"(v) a school or department of arts and sciences within such partner institution; and

"(B) may include any of the following:

"(i) The Governor of the State.

"(ii) The State educational agency.

"(iii) The State board of education.

"(iv) The State agency for higher education.

"(v) A business.

"(vi) A public or private nonprofit educational organization.

"(vii) An educational service agency.

"(viii) A teacher organization.

"(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

"(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

"(xi) A school or department within the partner institution that focuses on psychology and human development.

"(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

"(xiii) An entity operating a program that provides alternative routes to State certification of teachers.

"(2) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, begin-

ning teachers. Such program shall promote effective teaching skills and shall include the following components:

"(A) High-quality teacher mentoring.

"(B) Periodic, structured time for collaboration with mentor teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

"(C) The application of empirically based practice and scientifically valid research on instructional practices.

"(D) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

"(E) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

"(F) Faculty who—

"(i) model the integration of research and practice in the classroom; and

"(ii) assist new teachers with the effective use and integration of technology in the classroom.

"(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers with respect to the learning process and the assessment of learning.

"(H) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

"(I) Structured and formal observation of new teachers, and feedback for such teachers, at least 4 times each school year by multiple evaluators, including master teachers and the principal, using valid and reliable benchmarks of teaching skills and standards developed with input from teachers.

"(3) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, participating in

1 an eligible partnership that has a teacher prepara-
2 tion program—
3 "(A) whose graduates exhibit strong per-
4 formance on State-determined qualifying assess-
5 ments for new teachers through—
6 "(i) demonstrating that 80 percent or
7 more of the graduates of the program who
8 intend to enter the field of teaching have
9 passed all of the applicable State qualifica-
10 tion assessments for new teachers, which
11 shall include an assessment of each pro-
12 spective teacher's subject matter knowledge
13 in the content area in which the teacher in-
14 tends to teach; or
15 "(ii) being ranked among the highest-
16 performing teacher preparation programs
17 in the State as determined by the State—
18 "(I) using criteria consistent with
19 the requirements for the State report
20 card under section 205(b); and
21 "(II) using the State report card
22 on teacher preparation required under
23 section 205(b), after the first publica-
24 tion of such report card and for every
25 year thereafter;

"(B) that requires—

"(i) each student in the program to meet and demonstrate high academic standards (including prior to entering and being accepted into a program) and participate in intensive clinical experience;

"(ii) each student in the program preparing to become a teacher to become highly qualified; and

"(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent; or

"(C) whose participants include current teachers who seek ongoing professional development in the subject matter knowledge in which the teacher is assigned to teach; and

"(D) that requires the faculty of arts and sciences of the partner institution to lead collaborative seminars for such participants for the purpose of—

"(i) improving student learning;

"(ii) enhancing the quality of teaching and strengthening subject matter mastery

and the pedagogical skills of current teachers through continuing professional development; and

"(iii) developing curriculum units, based on the subject matter presented, for use in the teachers' classrooms.

"(4) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a new or established program that—

"(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

"(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction and classroom management;

"(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

"(D) provides paid release time for mentors;

"(E) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

"(F) promotes empirically based practice of, and scientifically valid research on, where applicable—

"(i) teaching and learning;

"(ii) assessment of student learning;

"(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

"(iv) the improvement of the mentees' capacity to measurably advance student learning; and

"(G) includes—

"(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

"(ii) joint professional development opportunities.

"(5) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-

based teacher preparation program in which a prospective teacher—

"(A) for 1 academic year, teaches alongside a mentor teacher, who is the teacher of record;

"(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which may include courses taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

"(C) acquires effective teaching skills; and

"(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

"SEC. 202. PARTNERSHIP GRANTS.

"(a) PROGRAM AUTHORIZED.—From amounts made available under section 209, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

"(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application

to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

"(1) a needs assessment of all the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention, of general and special education teachers, principals, and, as applicable, early childhood educators;

"(2) a description of the extent to which the program prepares prospective and new teachers with strong teaching skills;

"(3) a description of how the program will prepare prospective and new teachers to use research and data to modify and improve instruction in the classroom;

"(4) a description of how the partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation, and how the activities of the partnership will

be consistent with State, local, and other education reform activities that promote student achievement;

"(5) a resource assessment that describes the resources available to the partnership, including—

"(A) the integration of funds from other sources;

"(B) the intended use of the grant funds; and

"(C) the commitment of the resources of the partnership, including financial support, faculty participation, and time commitments, to the activities assisted under this section and to the continuation of the activities when the grant ends;

"(6) a description of—

"(A) how the partnership will meet the purposes of this part;

"(B) how the partnership will carry out the activities required under subsection (d) or (e) based on the needs identified in paragraph (1), with the goal of improving student achievement;

"(C) the partnership's evaluation plan under section 204(a);

"(D) how the partnership will align the teacher preparation program with the—

"(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

"(ii) student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

"(E) how the partnership will prepare general education teachers to teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act;

"(F) how the partnership will prepare general education and special education teachers to teach students with limited English proficiency;

"(G) how faculty at the partner institution will work, during the term of the grant, with highly qualified teachers in the classrooms of

schools served by the high-need local educational agency in the partnership to provide high-quality professional development activities;

"(H) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching teaching pre-service clinical program component;

"(I) how the partnership will support in-service professional development strategies and activities; and

"(J) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

"(7) with respect to the induction program required as part of the activities carried out under this section—

"(A) a description of how the teacher preparation program will design and implement an induction program to support all new teachers through not less than the first 2 years of teaching in the further development of the new

teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers;

"(B) a demonstration that the schools and departments within the institution of higher education that are part of the induction program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in teaching;

"(C) a demonstration of the partnership's capability and commitment to the use of empirically based practice and scientifically valid research related to teaching and learning, and the accessibility to and involvement of faculty; and

"(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

"(c) REQUIRED USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this section shall use grant funds to carry out a program for the pre-bacca-

1 laureate preparation of teachers under subsection (d), a
2 teaching residency program under subsection (e), a leader-
3 ship development program under subsection (f), or a com-
4 bination of two or more such programs.

5 "(d) PARTNERSHIP GRANTS FOR PRE-BACCA-
6 LAUREATE PREPARATION OF TEACHERS.—An eligible
7 partnership that receives a grant to carry out an effective
8 program for the pre-baccalaureate preparation of teachers
9 shall carry out a program that includes all of the following:

10 "(1) REFORMS.—

11 "(A) IN GENERAL.—Implementing re-
12 forms, described in subparagraph (B), within
13 each teacher preparation program and, as appli-
14 cable, each preparation program for early child-
15 hood education programs, of the eligible part-
16 nership that is assisted under this section, to
17 hold each program accountable for—

18 "(i) preparing—

19 "(I) current or prospective teach-
20 ers to be highly qualified (including
21 teachers in rural school districts who
22 may teach multiple subjects, special
23 educators, teachers of students who
24 are limited English proficient who
25 may teach multiple subjects, and

teachers who are qualified to teach Advanced Placement or International Baccalaureate courses);

"(II) such teachers and, as applicable, early childhood educators, to understand empirically based practice and scientifically valid research related to teaching and learning and its applicability, and to use technology effectively, including the use of instructional techniques and strategies, consistent with the principles of universal design for learning, and positive behavioral support strategies to improve student achievement; and

"(III) as applicable, early childhood educators to be highly competent; and

"(ii) promoting strong teaching skills, including the ability to effectively teach higher-order analytical, evaluative, problem-solving, and communications skills, and, as applicable, techniques for early childhood educators to improve children's

cognitive, social, emotional, and physical development.

"(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

"(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

"(ii) using empirically based practice and scientifically valid research, where applicable, about the disciplines of teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

"(I) can understand and implement research-based teaching practices in classroom-based instruction;

"(II) have knowledge of student learning methods;

"(III) possess skills to analyze student academic achievement data and other measures of student learning, and use such data and measures

to improve instruction in the classroom;

"(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable general and special education teachers and early childhood educators to—

"(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs;

"(bb) differentiate instruction for such students; and

"(cc) effectively teach high-order analytical, evaluative, problem solving and communications skills appropriate for the teacher's content or specialty area;

"(V) can effectively participate in the individualized education program process, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act; and

"(VI) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

"(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that new teachers receive training in both teaching and relevant content areas in order to become highly qualified, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities;

"(iv) developing and implementing an induction program;

"(v) developing admissions goals and priorities aligned with the hiring objectives

of the high-need local educational agency in the eligible partnership; and

"(vi) implementing program curriculum changes to prepare teachers to teach Advanced Placement or International Baccalaureate courses.

"(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality pre-service clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

"(A) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

"(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

"(ii) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs

(as applicable), elementary schools, or secondary schools, and providing support for such interaction.

"(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas, which may include preparation for meeting the unique needs of teaching in rural communities.

"(C) Provide high-quality teacher mentoring.

"(D)(i) Be offered over the course of a program of teacher preparation;

"(ii) be tightly aligned with course work (and may be developed as a 5th year of a teacher preparation program); and

"(iii) where feasible, allow prospective teachers to learn to teach in the same school district in which the teachers will work, learning the instructional initiatives and curriculum of that district.

"(E) Provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1) or (3), and for those who serve as mentors for such teachers, based on

each individual's experience. Such support may include—

"(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

"(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

"(iii) with respect to a mentor, a stipend, which may include bonus, differential, or incentive pay, based on their extra skills and responsibilities.

"(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers, or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

"(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

"(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms (which may include alternative routes to State certification of teachers) to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership, which may include an emphasis on recruiting into the teaching profession—

"(A) underrepresented populations;

"(B) individuals to teach in rural communities and teacher shortage areas, including mathematics, science, special education, and instruction of limited English proficient students; and

"(C) mid-career professionals from other occupations, former military personnel, and recent college graduates with proven records of academic distinction.

"(6) LITERACY TRAINING.—Developing and implementing a program to strengthen content knowledge and teaching skills of elementary and secondary school teachers or literacy coaches that—

"(A) provides teacher training in reading instruction for elementary or secondary school teachers or literacy coaches who—

"(i) train classroom teachers to implement literacy programs; or

"(ii) tutor students with intense individualized reading, writing, and subject matter instruction during or beyond the school day;

"(B) develops or redesigns rigorous evidenced-based reading curricula that are aligned with challenging State academic content standards, as required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, and with postsecondary standards for reading and writing;

"(C) provides opportunities for teachers to plan and assess instruction with other teachers, school leaders, and faculty at institutions of higher education;

"(D) provides training and professional development for principals to prepare them to understand the teaching of reading, guide instruction, and foster school improvement; and

"(E) establishes an evaluation and accountability plan for activities conducted under this paragraph to measure the impact of such activities.

"(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

"(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

"(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

"(B) Where feasible, attempt to place graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

"(C) Ensuring that teaching residents that participated in the teaching residency program receive—

"(i) effective pre-service preparation as described in paragraph (2);

"(ii) teacher mentoring;

"(iii) induction through the induction program as the teaching residents enter the classroom as new teachers; and

"(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

"(2) TEACHING RESIDENCY PROGRAMS.—

"(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this subsection shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

"(i) The integration of pedagogy, classroom practice, and teacher mentoring.

"(ii) Engagement of teaching residents in rigorous graduate-level course work to earn a master's degree while undertaking a guided teaching apprenticeship.

"(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

"(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with course work;

"(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for novice teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

"(III) who may have full relief from teaching duties as a result of such additional responsibilities.

"(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on, but is not required to include all of, the observations of such do-

mains of teaching, which may include the following:

"(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative assessments to improve student learning.

"(II) Appropriate instruction that engages students with different learning styles, including students with disabilities.

"(III) Collaboration with colleagues to improve instruction.

"(IV) Analysis of gains in student learning, based on multiple measures, that, when feasible, may include valid and reliable objective measures of the influence of teachers on the rate of student academic progress.

"(V) In the case of mentor candidates who will be mentoring current or future literacy and mathematics coaches or instructors, appropriate skills in the essential components of

reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

''(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

''(vi) The development of admissions goals and priorities aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of the agency, in exchange for a commitment by the agency to hire graduates from the teaching residency program.

''(vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.

''(viii) Admission goals and priorities which may include consideration of appli-

cants who reflect the communities in which they will teach as well as consideration of individuals from underrepresented populations in the teaching profession.

"(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

"(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this subsection, an individual shall—

"(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

"(II) submit an application to the teaching residency program.

"(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subsection shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

"(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

"(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

"(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

"(C) STIPENDS; APPLICATIONS; AGREEMENTS; REPAYMENTS.—

"(i) STIPEND.—A teaching residency program under this paragraph shall provide a 1-year living stipend or salary to teaching residents during the 1-year teaching residency program. The stipend or salary shall be provided for no longer than 1 year.

"(ii) APPLICATIONS FOR STIPENDS.—Each teacher residency candidate desiring a stipend or salary during the period of residency shall submit an application to

the eligible partnership at such time, and containing such information and assurances, as the eligible partnership may require.

"(iii) AGREEMENTS TO SERVE.—Each application submitted under clause (ii) shall contain or be accompanied by an agreement that the applicant will—

"(I) serve as a full-time teacher for a total of not less than 3 academic years after successfully completing the teaching residency program;

"(II) teach in a high-need school served by the high-need local educational agency in the eligible partnership;

"(III) teach in a field designated as high-need by the eligible partnership;

"(IV) provide to the eligible partnership a certificate, from the chief administrative officer of the school at which the resident is employed, of the employment required in subclauses (I), (II), and (III), at the beginning

of, and upon completion of, each year or partial year of service;

"(V) be a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965, when the applicant begins to fulfill the service obligation under this clause; and

"(VI) comply with the requirements set by the eligible partnership under clause (iv) if the applicant is unable or unwilling to complete the service obligation required by this clause.

"(iv) REPAYMENTS.—

"(I) IN GENERAL.—An eligible partnership carrying out a teaching residency program under this subsection shall require a recipient of a stipend or salary under this subparagraph who does not complete the service obligation required by clause (iii) to repay the stipend or salary to the eligible partnership, together with interest thereon accruing from the date

of the stipend or salary award, and in accordance with such other terms and conditions specified by the eligible partnership, as necessary.

"(II) OTHER TERMS AND CONDITIONS.—Any other terms and conditions specified by the eligible partnership may include reasonable provisions for deferral of a teaching resident's service obligation required by clause (iii) on grounds of health, incapacitation, inability to secure employment in a school served by the eligible partnership, or other extraordinary circumstances.

"(III) USE OF REPAYMENTS.—An eligible partnership shall use any repayment received under this clause to carry out additional activities that are consistent with the purposes of this subsection.

"(f) PARTNERSHIP GRANTS FOR THE DEVELOPMENT OF LEADERSHIP PROGRAMS.—

"(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective leadership

program shall carry out a program that includes all of the following activities:

"(A) Preparing students currently enrolled or preparing to enroll in education administration programs in preparation for careers as superintendents, principals, or other school administrators (including students preparing to work in rural local educational agencies (as such term is defined in section 872 of this Act) who may perform multiple duties in addition to the role of administrator).

"(B) Promoting strong administrative skills and, as applicable, techniques for education administrators to improve the school environment and effectively manage schools.

"(C) Ensuring that students who participate in the leadership program receive—

"(i) effective pre-service preparation as described in subparagraph (D); and

"(ii) mentoring by educational administrators.

"(D) Developing and improving a sustained and high-quality pre-service clinical education program to further develop the leadership skills of all prospective educational admin-

1 istrators involved in the program. Such pro-
2 gram shall do the following:
3 "(i) Incorporate year-long opportuni-
4 ties for enrichment activity or a combina-
5 tion of activities, including—
6 "(I) clinical learning in high-need
7 schools served by the high-need local
8 educational agency in the eligible
9 partnership and identified by the eligi-
10 ble partnership; and
11 "(II) closely supervised inter-
12 action between faculty and new and
13 experienced teachers, principals, and
14 other administrators in high-need
15 schools served by the high-need local
16 educational agency in the eligible
17 partnership and identified by the eligi-
18 ble partnership.
19 "(ii) Integrate pedagogy and practice
20 and promote effective administrative skills
21 for meeting the unique needs of rural and
22 geographically isolated communities.
23 "(iii) Educational administrator men-
24 toring.

"(E) Creating an induction program for new administrators.

"(F) Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become educational administrators through the activities of the eligible partnership, which may include an emphasis on recruiting into the education administration profession—

"(i) underrepresented populations;

"(ii) individuals to serve as superintendents, principals, or other school administrators in rural and geographically isolated communities and shortage areas; or

"(iii) mid-career professionals from other occupations, former military personnel, and recent college graduates with proven records of academic distinction.

"(2) SELECTION OF INDIVIDUALS FOR THE LEADERSHIP PROGRAM.—In order to be eligible for the leadership program under this subsection, an individual shall—

"(A) be enrolled in or preparing to enroll in an institution of higher education, or a recent graduate of an institution of higher education, or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment;

"(B) be current teachers who would like to become principals or principals who would like to be superintendents; and

"(C) submit an application to the leadership program.

"(g) CONSULTATION.—

"(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities under this section.

"(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation, regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the

assessment of programs and activities under this section.

"(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if a written consent signed by all members of the eligible partnership is submitted to the Secretary.

"(h) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

"(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available to carry out this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

"SEC. 203. ADMINISTRATIVE PROVISIONS.

"(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

"(1) DURATION.—A grant awarded under this part shall be awarded for a period of 5 years.

"(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

"(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

"(b) PEER REVIEW.—

"(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

"(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall give priority—

"(A) to partnerships that include an institution of higher education whose teacher preparation program has a rigorous selection process to ensure the highest quality of students entering such programs; and

"(B)(i) to applications from broad-based eligible partnerships that involve businesses and community organizations; or

"(ii) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

"(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining the grant amount, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

"(c) MATCHING REQUIREMENTS.—

"(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be pro-

vided in cash or in-kind, to carry out the activities supported by the grant.

"(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership, if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

"SEC. 204. ACCOUNTABILITY AND EVALUATION.

"(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish and include in such application an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—

"(1) student achievement for all students as measured by the eligible partnership;

"(2) teacher retention in the first 3 years of a teacher's career;

"(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

"(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

"(B) the percentage of such teachers who are members of underrepresented groups;

"(C) the percentage of such teachers who teach high-need academic subject areas (such as reading, mathematics, science, and foreign languages, including less commonly taught languages and critical foreign languages);

"(D) the percentage of such teachers who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

"(E) the percentage of such teachers in high-need schools, disaggregated by the elementary, middle, and high school levels;

"(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership

taught by early childhood educators who are highly competent; and

"(G) as applicable, the number of teachers trained effectively to integrate technology into curricula and instruction, including technology consistent with the principles of universal design for learning, and who use technology to collect, manage, and analyze data to improve teaching, learning, and decision making for the purpose of improving student academic achievement.

"(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, and faculty and leadership at institutions of higher education located in the geographic areas served by the eligible partnership are provided information about the activities carried out with funds under this part, including through electronic means.

"(c) REVOCATION OF GRANT.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, of the grant by the end of the third year of a grant under this part, then the Secretary shall require such eligible partnership to submit a revised application that identifies the steps the partnership will take to make

1 substantial progress to meet the purposes, goals, objec-
2 tives, and measures, as appropriate, of this part.

3 "(d) EVALUATION AND DISSEMINATION.—The Sec-
4 retary shall evaluate the activities funded under this part
5 and report the findings regarding the evaluation of such
6 activities to the authorizing committees. The Secretary
7 shall broadly disseminate—

8 "(1) successful practices developed by eligible
9 partnerships under this part; and

10 "(2) information regarding such practices that
11 were found to be ineffective.

12 **"SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PRE-**
13 **PARE TEACHERS.**

14 "(a) INSTITUTIONAL AND PROGRAM REPORT CARDS
15 ON THE QUALITY OF TEACHER PREPARATION.—

16 "(1) REPORT CARD.—Each institution of higher
17 education that conducts a traditional teacher prepa-
18 ration program or alternative routes to State certifi-
19 cation or licensure program and that enrolls stu-
20 dents receiving Federal assistance under this Act
21 shall report annually to the State and the general
22 public, in a uniform and comprehensible manner
23 that conforms with the definitions and methods es-
24 tablished by the Secretary, both for traditional
25 teacher preparation programs and alternative routes

to State certification or licensure programs, the following information:

"(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—

"(i) the percentage of students who have completed 100 percent of the nonclinical course work and taken the assessment who pass such assessment;

"(ii) the percentage of all such students who passed each such assessment;

"(iii) the percentage of students taking an assessment who enrolled in and

completed the teacher preparation program;

"(iv) the average scaled score for all students who took each such assessment;

"(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

"(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

"(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race, ethnicity, and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

"(C) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institu-

tion's program is so approved or accredited, and by whom.

"(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

"(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.

"(F) TEACHER TRAINING.—A description of the activities that prepare general and special education teachers to effectively teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act, and to effectively teach students with limited English proficiency.

"(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annu-

ally on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).

"(3) FINES.—The Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

"(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

"(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

"(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods es-

tablished by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

"(A) A description of the reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

"(B) The standards and criteria that prospective teachers must meet to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.

"(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and State early learning standards for early childhood education programs.

"(D) For each of the assessments used by the State for teacher certification or licensure—

"(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical course work and taken the assessment who pass such assessment;

"(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and

"(iii) the percentage of students taking an assessment who enrolled in and completed the teacher preparation program.

"(E) A description of alternative routes to teacher certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

"(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and

"(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.

"(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

"(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race, ethnicity, and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results

would reveal personally identifiable information about an individual student), the average number of hours of supervised clinical experience required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

"(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

"(i) area of certification or licensure;

"(ii) academic major; and

"(iii) subject area for which the teacher has been prepared to teach.

"(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

"(J) A description of the activities that prepare general and special education teachers to effectively teach students with disabilities, in-

cluding training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act.

"(K) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.

"(L) A description of the activities that prepare general education and special education teachers to effectively teach students with limited English proficiency.

"(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

"(c) DATA QUALITY.—The Secretary shall prescribe regulations requiring practices and procedures to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

1 "(d) REPORT OF THE SECRETARY ON THE QUALITY
2 OF TEACHER PREPARATION.—
3 "(1) REPORT CARD.—The Secretary shall pro-
4 vide to Congress, and publish and make widely avail-
5 able, a report card on teacher qualifications and
6 preparation in the United States, including all the
7 information reported in subparagraphs (A) through
8 (L) of subsection (b)(1). Such report shall identify
9 States for which eligible partnerships received a
10 grant under this part. Such report shall be so pro-
11 vided, published, and made available annually.
12 "(2) REPORT TO CONGRESS.—The Secretary
13 shall prepare and submit a report to Congress that
14 contains the following:
15 "(A) A comparison of States' efforts to im-
16 prove the quality of the current and future
17 teaching force.
18 "(B) A comparison of eligible partnerships'
19 efforts to improve the quality of the current
20 and future teaching force.
21 "(C) The national mean and median scaled
22 scores and pass rate on any standardized test
23 that is used in more than 1 State for teacher
24 certification or licensure.

"(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

"(e) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"SEC. 206. TEACHER DEVELOPMENT.

"(a) ANNUAL GOALS.—Each institution of higher education that conducts a traditional teacher preparation program (including programs that offer any ongoing professional development programs) or alternative routes to State certification or licensure program, and that enrolls students receiving Federal assistance under this Act, shall set annual quantifiable goals for—

"(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the State educational agency, including

mathematics, science, special education, and instruction of limited English proficient students; and

"(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

"(b) ASSURANCE.—Each institution described in subsection (a) shall provide an assurance to the Secretary that—

"(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

"(2) prospective special education teachers receive course work in core academic subjects and receive training in providing instruction in core academic subjects;

"(3) general education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

"(4) prospective teachers receive training on how to effectively teach in urban and rural schools, as applicable.

"(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

"SEC. 207. STATE FUNCTIONS.

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to conduct an assessment to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such assessment shall be described in the report under section 205(b). Levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part including progress in meeting the goals of—

"(1) increasing the percentage of highly qualified teachers in the State, including increasing professional development opportunities;

"(2) improving student achievement for all students; and

"(3) raising the standards for entry into the teaching profession.

"(b) TERMINATION OF ELIGIBILITY.—Any program of teacher preparation from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department;

"(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and

"(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

"(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include rep-

1 resentatives of States, institutions of higher education,
2 and educational and student organizations.

3 "(d) APPLICATION OF THE REQUIREMENTS.—The
4 requirements of this section shall apply to both traditional
5 teacher preparation programs and alternative routes to
6 State certification and licensure programs.

7 **"SEC. 208. GENERAL PROVISIONS.**

8 "(a) METHODS.—In complying with sections 205 and
9 207, the Secretary shall ensure that States and institu-
10 tions of higher education use fair and equitable methods
11 in reporting and that the reporting methods do not allow
12 identification of individuals.

13 "(b) SPECIAL RULE.—For each State that does not
14 use content assessments as a means of ensuring that all
15 teachers teaching in core academic subjects within the
16 State are highly qualified, as required under section 1119
17 of the Elementary and Secondary Education Act of 1965
18 and in accordance with the State plan submitted or revised
19 under section 1111 of such Act, or that each person em-
20 ployed as a special education teacher in the State who
21 teaches elementary school, middle school, or secondary
22 school is highly qualified by the deadline, as required
23 under section 612(a)(14)(C) of the Individuals with Dis-
24 abilities Education Act—

"(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

"(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

"(c) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

"(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

"(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

"(B) is possessed, controlled, or accessible by the State educational agency.

"(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

"(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

"(B) may include—

"(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

"(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

"(d) LIMITATIONS.—

"(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school (whether or not a home school is treated as a private school or home school under State law). This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

"(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school (whether or not a home school is treated as a private school or home school under State law).

"(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

"SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 2 succeeding fiscal years.

"PART B—PREPARING TEACHERS FOR DIGITAL AGE LEARNERS

"SEC. 221. PROGRAM AUTHORIZED.

''(a) PROGRAM AUTHORITY.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible consortia to pay the Federal share of the costs of projects to—

''(1) graduate teacher candidates who are prepared to use modern information, communication, and learning tools to—

''(A) improve student learning, assessment, and learning management; and

''(B) help students develop learning skills to succeed in higher education and to enter the workforce;

''(2) strengthen and develop partnerships among the stakeholders in teacher preparation to transform teacher education and ensure technology rich learning environments throughout a teacher candidate's pre-service education, including clinical experiences; and

''(3) assess the effectiveness of departments, schools, and colleges of education at institutions of higher education in preparing teacher candidates for successful implementation of technology-rich teaching-learning environments, including environments

consistent with the principles of universal design for learning, that enable kindergarten through grade 12 students to develop learning skills to succeed in higher education and to enter the workforce.

"(b) AMOUNT AND DURATION.—A grant, contract, or cooperative agreement under this part—

"(1) shall be for not more than $2,000,000;

"(2) shall be for a 3-year period; and

"(3) may be renewed for one additional year.

"(c) NON-FEDERAL SHARE REQUIREMENT.—The Federal share of the cost of any project funded under this part shall not exceed 75 percent. The non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

"(d) DEFINITION OF ELIGIBLE CONSORTIUM.—In this part, the term 'eligible consortium' means a consortium of members that includes the following:

"(1) At least one institution of higher education that awards baccalaureate or masters degrees and prepares teachers for initial entry into teaching.

"(2) At least one State educational agency or local educational agency.

"(3) A department, school, or college of education at an institution of higher education.

"(4) A department, school, or college of arts and sciences at an institution of higher education.

"(5) At least one entity with the capacity to contribute to the technology-related reform of teacher preparation programs, which may be a professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity.

"SEC. 222. USES OF FUNDS.

"(a) IN GENERAL.—An eligible consortium that receives a grant or enters into a contract or cooperative agreement under this part shall use funds made available under this part to carry out a project that—

"(1) develops long-term partnerships among members of the consortium that are focused on effective teaching with modern digital tools and content that substantially connect pre-service preparation of teacher candidates with high-needs schools; or

"(2) transforms the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.

1 "(b) USES OF FUNDS FOR PARTNERSHIP GRANTS.—
2 In carrying out a project under subsection (a)(1), an eligi-
3 ble consortium shall—
4 "(1) provide teacher candidates, early in their
5 preparation, with field experiences in educational
6 settings with technology;
7 "(2) build the skills of teacher candidates to
8 support technology-rich instruction, assessment and
9 learning management in content areas, technology
10 literacy, an understanding of the principles of uni-
11 versal design, and the development of other skills for
12 entering the workforce;
13 "(3) provide professional development in the
14 use of technology for teachers, administrators, and
15 content specialists who participate in field place-
16 ment;
17 "(4) provide professional development of tech-
18 nology pedagogical skills for faculty of departments,
19 schools, and colleges of education and arts and
20 sciences;
21 "(5) implement strategies for the mentoring of
22 teacher candidates with respect to technology imple-
23 mentation by members of the consortium;

"(6) evaluate teacher candidates during the first years of teaching to fully assess outcomes of the project;

"(7) build collaborative learning communities for technology integration within the consortium to sustain meaningful applications of technology in the classroom during teacher preparation and early career practice; and

"(8) evaluate the effectiveness of the project.

"(c) USES OF FUNDS FOR TRANSFORMATION GRANTS.—In carrying out a project under subsection (a)(2), an eligible consortium shall—

"(1) redesign curriculum to require collaboration between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach content or methods courses for training teacher candidates;

"(2) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and science faculty and academic content specialists at the local educational agency to educate pre-service teachers who can integrate technology and pedagogical skills in content areas;

"(3) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach courses to pre-service teachers to—

"(A) develop and implement a plan for pre-service teachers and continuing educators that demonstrates effective instructional strategies and application of such strategies in the use of digital tools to transform the teaching and learning process; and

"(B) better reach underrepresented pre-service teacher populations with programs that connect such pre-service teacher populations with applications of technology;

"(4) collaborate among faculty and students to create and disseminate case studies of technology applications in classroom settings with a goal of improving student achievement in high-need schools;

"(5) provide additional technology resources for pre-service teachers to plan and implement technology applications in classroom settings that provide evidence of student learning; and

"(6) bring together expertise from departments, schools, or colleges of education, arts and science faculty, and academic content specialists at the local

educational agency to share and disseminate technology applications in the classroom through teacher preparation and into early career practice.

"SEC. 223. APPLICATION REQUIREMENTS.

''To be eligible to receive a grant or enter into a contract or cooperative agreement under this part, an eligible consortium shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

''(1) A description of the project to be carried out with the grant, including how the project will—

''(A) develop a long-term partnership focused on effective teaching with modern digital tools and content that substantially connects pre-service preparation of teacher candidates with high-need schools; or

''(B) transform the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.

''(2) A demonstration of—

''(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

"(B) the support of the leadership of each organization that is a member of the consortium for the proposed project.

"(3) A description of how each member of the consortium will participate in the project.

"(4) A description of how the State or local educational agency will incorporate the project into the agency's technology plan, if such a plan already exists.

"(5) A description of how the project will be continued after Federal funds are no longer available under this part for the project.

"(6) A description of how the project—

"(A) will incorporate State teacher technology standards; and

"(B) will incorporate State student technology standards.

"(7) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

"SEC. 224. EVALUATION.

"Not less than 10 percent of the funds awarded to an eligible consortium to carry out a project under this part shall be used to evaluate the effectiveness of such project.

"SEC. 225. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated $100,000,000 to carry out this part for fiscal year 2009 and such sums as may be necessary for each of the 2 succeeding fiscal years.

"PART C—ENHANCING TEACHER EDUCATION

"SEC. 240. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

"Subpart 1—Recruiting Teachers With Math, Science, or Language Majors

"SEC. 241. PROGRAM AUTHORIZED.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated under section 240, the Secretary shall make competitive grants to institutions of higher education to improve the availability, recruitment, and retention of teachers from among students majoring in mathematics, science, foreign languages, special education, or teaching the English language to students who are limited English proficient, or to a combination of students majoring in such subjects. In making such grants, the Secretary shall give priority to institutions of higher education with programs that—

''(1) focus on preparing and retaining teachers in subjects in which there is a shortage of highly

qualified teachers and that prepare students to teach in high-need schools; and

"(2) include plans to seek matching funds from other governmental and non-governmental sources.

"(b) APPLICATION.—Any institution of higher education desiring to receive a grant under this subpart shall submit to the Secretary an application at such time, in such form, and containing such information and assurances as the Secretary may require, including—

"(1) the number of students who graduated from the institution in the preceding year with the qualifications necessary to be teachers with expertise in mathematics, science, a foreign language, special education, or teaching limited English proficient individuals; and

"(2) a goal and timeline for increasing the number of such teachers who graduate from the institution.

"(c) USE OF FUNDS.—Grant funds made available under this subpart—

"(1) shall be used to create and provide new recruitment incentives to encourage students who are planning to pursue other careers to pursue careers in teaching, with an emphasis on recruiting students who are majoring in high-need subjects such as

mathematics, science, foreign languages, and special education, and areas relevant to teaching the English language to students who are limited English proficient;

"(2) may be used to upgrade curriculum to provide all students studying to become teachers with high-quality instructional strategies for teaching reading and teaching the English language to students who are limited English proficient, and for adopting, modifying, and differentiating instruction to teach students with disabilities;

"(3) may be used to integrate department, school, or college of education faculty with other arts and science faculty in mathematics, science, foreign languages, special education, and teaching the English language to students who are limited English proficient through steps such as—

"(A) dual appointments for faculty between departments, schools, or colleges of education and departments, schools, or colleges of arts and science; and

"(B) integrating course work with clinical experience;

"(4) may be used to develop strategic plans between departments, schools, or colleges of education

and local school districts to better prepare teachers for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art teaching practices;

"(5) may be used to develop or enhance programs aimed at retaining teachers in high-need subjects such as mathematics, science, foreign languages, special education, and teaching the English language to students who are limited English proficient, and may include providing scholarship assistance to current teachers to upgrade their skills;

"(6) may be used to develop and apply virtual classroom simulation and related technologies to enhance recruitment, preparation, and retention for high-need schools in the areas of mathematics, science, foreign languages, special education, or teaching the English language to students who are limited English proficient; and

"(7) may be used to develop innovative teacher preparation programs that emphasize the essential components of reading instruction and other strategies based on scientifically valid research and that address early intervention strategies for students with reading difficulty or language processing differences.

1 **"Subpart 2—Community Colleges as Partners in**
2 **Teacher Education Grants**

3 **"SEC. 251. GRANTS TO COMMUNITY COLLEGES.**

4 ''(a) PROGRAM AUTHORIZED.—The Secretary is au-
5 thorized to award grants, on a competitive basis, to eligible
6 entities to assist such entities with—

7 ''(1) establishing or enhancing teacher edu-
8 cation programs at community colleges that—

9 ''(A) include content and pedagogical
10 training; and

11 ''(B) are aligned with 4-year college and
12 university teacher education programs to ensure
13 a seemless transition for students from commu-
14 nity colleges to 4-year institutions;

15 ''(2) establishing or enhancing post bacca-
16 laureate certification programs offered at community
17 colleges;

18 ''(3) developing and delivering a rigorous pro-
19 gram of study for students interested in a career in
20 teaching; and

21 ''(4) developing and delivering professional de-
22 velopment for teachers to ensure their continued
23 education and professional growth.

24 ''(b) AUTHORIZED USES OF FUNDS.—Grant funds
25 provided under this subpart shall be used to carry out the

activities described in subsection (a), and may be used to—

"(1) develop curriculum for teacher education programs and post baccalaureate certification programs at community colleges;

"(2) establish or enhance clinical experiences for students in such teacher education programs and post baccalaureate certification programs;

"(3) establish or enhance professional development programs at community colleges that are available for teachers;

"(4) develop new associate degree programs focused on teacher preparation;

"(5) increase the alignment between community college teacher education programs and 4-year college and university teacher education programs, including articulation agreements, common course numbering, and joint admission programs;

"(6) recruit teacher candidates with the goal of diversifying the teacher workforce;

"(7) prepare teachers for high-demand subject areas including science, mathematics, technology, special education, critical foreign languages, or the education of limited English proficient individuals;

"(8) prepare teachers to teach in high-need schools;

"(9) increase coordination between teacher education programs and departments, schools, or colleges of arts and sciences;

"(10) encourage teacher education and post baccalaureate programs at times and in formats designed to make these programs more accessible to certain student populations, including mid-career professionals transitioning to teaching;

"(11) carry out other activities that aim to ensure that well-qualified individuals enter into the teaching profession;

"(12) develop associate's degree programs with an emphasis on the essential components of reading instruction to train educators such as pre-service teachers, paraprofessionals, speech-language pathology assistants, and tutors to teach students with reading difficulties and students who learn to read differently than their peers; and

"(13) develop licensure programs for early childhood educators that emphasize the essential components of reading instruction and other strategies based on scientifically valid research, and that address strategies for early screening and early

intervention for students with reading difficulty and who learn to read differently than their peers.

"(c) ELIGIBLE ENTITY.—For purposes of this subpart, the term 'eligible entity' means an individual community college (or district of community colleges), a consortia of community colleges, or a statewide community college system that, for the purposes of carrying out activities under this subpart, has entered into a partnership with—

"(1) a four-year institution of higher education with a teacher education program, or a consortia of such institutions; and

"(2) at least one of the following:

"(A) The State agency that oversees teacher preparation or higher education in the State.

"(B) One or more local educational agencies.

"(C) The State educational agency.

"(D) A professional organization representing teachers.

"(d) APPLICATION.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

"(1) an overview of the goals the eligible entity and its partners plan to pursue upon receipt of a grant under this subpart;

"(2) an identification of the institutions, agencies, or organizations that have entered into a partnership with the eligible entity to meet the requirements of subsection (c);

"(3) a description of how the eligible entity and its partners will work to ensure a seemless transition for students from community college to 4-year institutions;

"(4) an assurance by the eligible entity that students will be provided with intensive support services, which may include mentoring, academic and career support, and support for students who are transitioning, or have transitioned, from the community college to the 4-year institution; and

"(5) a description of the rigorous 2-year program of study to be provided by the eligible entity, and a description of how such program establishes a foundation for students to enter into a qualified teacher preparation program at a 4-year institution.

"(e) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to applications the goals of which are to—

"(1) increase the diversification of the teacher workforce by enrolling and retaining students from minority racial and ethnic backgrounds and others underrepresented in the local education workforce;

"(2) prepare teachers for high-demand subject areas including science, mathematics, technology, special education, critical foreign languages, or the education of limited English proficient individuals; or

"(3) prepare teachers to enter into high-need schools.

"SEC. 252. DEFINITIONS.

"In this subpart:

"(1) COMMUNITY COLLEGE.—The term 'community college' means a publicly funded institution of higher education (as defined in section 101) at which the highest degree awarded is predominantly the associates degree.

"(2) FOUR-YEAR INSTITUTION.—The term '4-year institution' means an institution of higher education (as defined in section 101(a)) that provides a 4-year program of instruction for which the institution awards a bachelor's degree.

"(3) QUALIFIED TEACHER PREPARATION PROGRAM.—The term 'qualified teacher preparation pro-

gram' means an undergraduate program for students at an institution of higher education that—

"(A) encourages collaboration between faculty in education and faculty in the relevant subject areas including, sciences mathematics, and foreign languages to pursue content coordination for courses taken frequently by students preparing to be teachers;

"(B) offers support services, including mentoring, exposure to and field experience in the classroom prior to graduation, or other practices, for students while they are in the program, and after graduation while working as teachers; and

"(C) focuses on increasing the number of teachers for high-demand subject areas.

"Subpart 3—Honorable Augustus F. Hawkins Centers of Excellence

"SEC. 261. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

"(A) an institution of higher education that has a teacher preparation program that is

a qualified teacher preparation program under section 252, and that is—

"(i) a part B institution (as defined in section 322);

"(ii) a Hispanic-serving institution (as defined in section 502);

"(iii) a Tribal College or University (as defined in section 316);

"(iv) an Alaska Native-serving institution (as defined in section 317(b));

"(v) a Native Hawaiian-serving institution (as defined in section 317(b));

"(vi) a Predominantly Black Institution (as defined in section 318(b));

"(vii) an Asian American and Pacific Islander-serving institution (as defined in section 319(b)); or

"(viii) a Native American-serving non-tribal institution (as defined in section 320(b));

"(B) a consortium of institutions described in subparagraph (A); or

"(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other

institution of higher education, but only if the center of excellence established under section 262 is located at an institution described in subparagraph (A).

"(2) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"SEC. 262. AUGUSTUS F. HAWKINS CENTERS OF EXCELLENCE.

"(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

"(b) USE OF FUNDS.—Grants provided by the Secretary under this subpart shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

"(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically valid research, and are able to use advanced technology effectively in the

classroom, including use for instructional techniques to improve student academic achievement, by—

"(A) retraining or recruiting faculty; and

"(B) designing (or redesigning) teacher preparation programs that—

"(i) prepare teachers to serve in low-performing schools and close student achievement gaps, and are based on rigorous academic content, scientifically valid research (including scientifically based reading research), and challenging State student academic content standards; and

"(ii) promote strong teaching skills, as defined in section 200(b).

"(2) Providing sustained and high-quality pre-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

"(3) Developing and implementing initiatives to promote retention of highly qualified teachers and

principals, including minority teachers and principals, including programs that provide—

"(A) teacher or principal mentoring from exemplary teachers or principals; or

"(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

"(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

"(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

"(6) Activities authorized under section 202.

"(c) APPLICATION.—Any eligible institution desiring a grant under this subpart shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information as the Secretary may require.

"(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this subpart shall be $500,000.

"(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this subpart may not use more than 2 percent of the grant funds for purposes of administering the grant.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subpart.

"Subpart 4—Teach for America

"SEC. 271. TEACH FOR AMERICA.

"(a) DEFINITIONS.—

"(1) GRANTEE.—The term 'grantee' means Teach For America, Inc.

"(2) HIGH NEED.—Notwithstanding section 200(b), the term 'high need', when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

"(b) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

"(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this subpart to—

"(1) provide highly qualified teachers to high need local educational agencies in urban and rural communities;

"(2) pay the costs of recruiting, selecting, training, and supporting new teachers; and

"(3) serve a substantial number and percentage of underserved students.

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds provided under this subpart shall be used by the grantee to carry out each of the following activities:

"(A) Recruiting and selecting teachers through a highly selective national process.

"(B) Providing pre-service training to such teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education course work and theory.

"(C) Placing such teachers in schools and positions designated by high need local edu-

cational agencies as high need placements serving underserved students.

"(D) Providing ongoing professional development activities for such teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

"(2) LIMITATION.—The grantee shall use all grant funds received under this subpart to support activities related directly to the recruitment, selection, training, and support of teachers as described in paragraph (1).

"(e) REPORTS AND EVALUATIONS.—

"(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

"(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this subpart;

"(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

"(C) comprehensive data on the background of the teachers chosen, the training

such teachers received, the placement sites of such teachers, the professional development of such teachers, and the retention of such teachers.

"(2) STUDY.—

"(A) IN GENERAL.—From funds appropriated under section 240, the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this subpart.

"(B) STUDENT LEARNING GAINS COMPARED.—The study shall compare, within the same schools, the student learning gains made by students taught by teachers who are assisted under this subpart with the student learning gains made by students taught by teachers who are not assisted under this subpart.

"(3) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

"(4) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community. Further, the peer re-

1 view standards shall ensure that reviewers have ex-
2 pertise in assessment systems, accountability, and
3 instruction.

4 ''(f) AUTHORIZATION OF APPROPRIATIONS.—Of the
5 sums authorized to be appropriated by section 240, the
6 amount authorized to be appropriated to carry out this
7 section shall not exceed—

8 ''(1) $20,000,000 for fiscal year 2009;

9 ''(2) $25,000,000 for fiscal year 2010; and

10 ''(3) such sums as may be necessary for each
11 of the 3 succeeding fiscal years.

12 **''Subpart 5—Early Childhood Education Professional**
13 **Development and Career Task Force**

14 **''SEC. 281. PURPOSE.**

15 ''It is the purpose of this subpart—

16 ''(1) to improve the quality of the early child-
17 hood education workforce by creating a statewide
18 early childhood education professional development
19 and career task force for early childhood education
20 program staff, directors, and administrators; and

21 ''(2) to create—

22 ''(A) a coherent system of core com-
23 petencies, pathways to qualifications, creden-
24 tials, degrees, quality assurances, access, and
25 outreach, for early childhood education program

staff, directors, and administrators, that is linked to compensation commensurate with experience and qualifications;

"(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

"(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

"SEC. 282. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.

"In this subpart, the term 'early childhood education program' means—

"(1) a family child care program, center-based child care program, State prekindergarten program, or school-based program, that—

"(A) provides early childhood development and education;

"(B) is licensed or regulated by the State; and

"(C) serves children from birth to school entry;

"(2) a Head Start Program carried out under the Head Start Act;

"(3) an Early Head Start Program carried out under section 645A of the Head Start Act; or

"(4) a program authorized under section 619 or part C of the Individuals with Disabilities Education Act.

"SEC. 283. GRANTS AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to States in accordance with the provisions of this subpart to enable such States—

"(1) to establish a State Task Force described in section 284; and

"(2) to support activities of the State Task Force described in section 285.

"(b) COMPETITIVE BASIS.—Grants under this subpart shall be awarded on a competitive basis.

"(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

"(d) DURATION.—Grants under this subpart shall be awarded for a period of 3 years.

"SEC. 284. STATE TASK FORCE ESTABLISHMENT.

"(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this subpart shall establish, or designate an existing entity to serve as, the

State Early Childhood Education Professional Development and Career Task Force (hereafter in this subpart referred to as the 'State Task Force').

"(b) MEMBERSHIP.—The State Task Force shall include a representative of a State educational agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, the State Head Start collaboration director, and any other entity or individual the Governor determines appropriate.

"SEC. 285. STATE TASK FORCE ACTIVITIES.

"(a) ACTIVITIES.—The State Task Force shall—

"(1) coordinate and communicate regularly with existing State Advisory Councils on Early Care and Education or a similar State entity charged with creating a comprehensive system of early care and education in the State (hereafter in this subpart referred to as 'State Advisory Councils') for the purposes of—

"(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

"(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

"(2) conduct a review of opportunities for and barriers to high quality professional development, training, and higher education degree programs in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

"(A) race, gender, and ethnicity;

"(B) compensation levels;

"(C) type of early childhood education program setting;

"(D) specialized knowledge of child development;

"(E) years of experience in an early childhood education program;

"(F) attainment of—

"(i) academic credit for course work;

"(ii) an academic degree;

"(iii) a credential;

"(iv) licensure; or

"(v) certification in early childhood education; and

"(G) specialized knowledge in the education of children with limited English proficiency; and

"(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan shall include—

"(A) methods of providing outreach to early childhood education program staff, directors, and administrators to enable such individuals and providers to be aware of opportunities and resources under the statewide plan, which may include outreach to underrepresented populations in the profession;

"(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

"(C) increasing the participation of early childhood educators in high quality training and professional development by assisting in paying the costs of enrollment in and completion of

1 such training and professional development
2 courses;
3 "(D) increasing the participation of early
4 childhood educators in postsecondary education
5 programs leading to degrees in early childhood
6 education by providing assistance to pay the
7 costs of enrollment in and completion of such
8 postsecondary education programs, which as-
9 sistance—
10 "(i) shall only be provided to an indi-
11 vidual who—
12 "(I) enters into an agreement
13 under which the individual agrees to
14 work, for a reasonable number of
15 years after receiving such a degree, in
16 an early childhood education program
17 that is located in a low-income area;
18 and
19 "(II) has a family income equal
20 to or less than the annually adjusted
21 national median family income as de-
22 termined by the Bureau of the Cen-
23 sus; and
24 "(ii) shall be provided in an amount
25 that does not exceed $17,500;

"(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

"(F) supporting articulation agreements between 2- and 4-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

"(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

"(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

"(i) entry into and continuing education requirements for professional roles in the field;

"(ii) available financial assistance; and

"(iii) professional development and career advancement in the field;

"(I) enhancing the quality of faculty and course work in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

"(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

"(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

"(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

"(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

"SEC. 286. STATE APPLICATION AND REPORT.

"(a) IN GENERAL.—Each State desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

"(1) the membership of the State Task Force;

"(2) the activities for which the grant assistance will be used;

"(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 285;

"(4) the availability within the State of training, educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

"(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

"(b) REPORT TO THE SECRETARY.—Not later than 2 years after receiving a grant under this subpart, a State shall submit a report to the Secretary that shall describe—

"(1) other Federal, State, local, and private resources that will be used in combination with a grant under this subpart to develop or expand the State's early childhood education professional development and career activities;

"(2) the ways in which the State Advisory Council will coordinate the various State and local activities that support the early childhood education professional development and career system; and

"(3) the ways in which the State Task Force will use funds provided under this subpart to carry out the activities described in section 285.

"SEC. 287. EVALUATIONS.

"(a) STATE EVALUATION.—Each State receiving a grant under this subpart shall—

"(1) evaluate the activities that are assisted under this subpart in order to determine—

"(A) the effectiveness of the activities in achieving State goals;

"(B) the impact of a career lattice for individuals working in early childhood education programs;

"(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

"(D) the impact of the activities, and the impact of the statewide plan described in section 286(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

"(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

"(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

"(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

"(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).

"Subpart 6—Preparing General Education Teachers to More Effectively Educate Students With Disabilities

"SEC. 291. TEACH TO REACH GRANTS.

''(a) AUTHORIZATION OF PROGRAM.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to improve the preparation of general education teacher candidates to ensure that such teacher candidates possess the knowledge and skills necessary to effectively instruct students with disabilities in their classrooms.

''(2) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of five years.

''(3) NON-FEDERAL SHARE.—An eligible partnership that receives a grant under this section shall provide not less than 25 percent of the cost of the activities carried out with such grant from non-Federal sources, which may be provided in cash or in kind.

''(b) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' is a partnership that—

''(1) shall include—

"(A) one or more departments or programs at an institution of higher education—

"(i) that prepare elementary or secondary general education teachers;

"(ii) that have a program of study that leads to an undergraduate degree, a master's degree, or completion of a post-baccalaureate program required for teacher certification; and

"(iii) the graduates of which are highly qualified, as defined in section 9101 of the Elementary and Secondary Education Act of 1965;

"(B) a department or program of special education at an institution of higher education; and

"(C) a high-need local educational agency; and

"(2) may include a department or program of mathematics, earth or physical science, foreign language, or other departments at the institution that have a role in preparing teachers.

"(c) REQUIRED ACTIVITIES.—An eligible partnership that receives a grant under this section shall use the grant funds to—

"(1) develop or strengthen an undergraduate, post-baccalaureate, or master's teacher preparation program by integrating special education strategies into the general education curriculum and academic content;

"(2) provide teacher candidates participating in the program under paragraph (1) with skills related to—

"(A) response to intervention, positive behavioral supports, differentiated instruction, and data driven instruction;

"(B) developing and administering alternate assessments of students with disabilities;

"(C) determining and utilizing accommodations for instruction and assessments;

"(D) collaborating with special educators, related services providers, and parents, including participation in Individualized Education Program development and implementation; and

"(E) utilizing technology and assistive technology for students with disabilities; and

"(3) provide extensive clinical experience for such participants, with mentoring and induction support throughout the program that continues during the first year of full-time teaching.

"(d) APPLICATION.—An eligible partnership seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

"(1) A self-assessment by the eligible partnership of the existing teacher preparation program at the institution of higher education and needs related to preparing general education teacher candidates to instruct students with disabilities.

"(2) An assessment of the existing personnel needs for general education teachers who instruct students with disabilities, performed by the local educational agency in which most graduates of the teacher preparation program are likely to teach after completion of the program under subsection (c)(1).

"(e) PEER REVIEW.—The Secretary shall convene a peer review committee to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees. Members of the peer review committee shall be recognized experts in the fields of special education, teacher preparation, and general education, and shall not be in a position to benefit financially from any grants awarded under this section.

"(f) EVALUATIONS.—

"(1) BY THE PARTNERSHIP.—An eligible partnership receiving a grant under this section shall conduct an evaluation at the end of the grant period to determine the effectiveness of the general education teachers who completed a program under subsection (c)(1) at instruction of students with disabilities in general education classrooms, and the systemic impact of the activities carried out by such grant on how each institution of higher education that is a member of the partnership prepares teachers for instruction in elementary and secondary schools. Each eligible partnership performing an evaluation under this paragraph shall report the findings of such evaluation to the Secretary.

"(2) REPORT BY THE SECRETARY.—Not later than 180 days after the last day of the grant period under this section, the Secretary shall make available to Congress and the public the findings of the evaluations submitted under paragraph (1), and information on best practices related to effective instruction of students with disabilities in general education classrooms.".

SEC. 202. NATIONAL ACADEMY OF SCIENCES STUDY OF BEST PRACTICES IN TEACHER PREPARATION.

(a) IN GENERAL.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a 2-year study to develop suggested best practices in teacher preparation for departments, schools, and colleges of education. Such best practices shall include recommendations to improve teaching skills, including skills related to working with diverse populations.

(b) BEST RESEARCH; SUGGESTED TRAINING.—The suggested best practices developed under subsection (a) shall reflect the best research into how students learn and on the content-specific methods shown to be effective with students, including examining how children learn. The suggested best practices shall include suggested training for general and special education teachers in working with diverse populations, utilizing the principles of universal design for learning, assessments in the classroom, and classroom management.

(c) COLLABORATION.—

(1) IN GENERAL.—In conducting the study under subsection (a), the National Academy of Sciences shall collaborate with interested parties in developing the suggested best practices.

(2) INTERESTED PARTIES.—In this subsection, the term ''interested parties'' means—

(A) college presidents;

(B) deans of arts and sciences and teacher education programs;

(C) teacher preparation faculty;

(D) chief State school officers;

(E) school superintendents;

(F) teacher organizations;

(G) outstanding teachers and principals;

(H) teacher preparation accrediting organizations;

(I) individuals or organizations with expertise in working with diverse populations, including students with disabilities and limited English proficient students; and

(J) other organizations with expertise in teacher recruitment and training.

(d) PROHIBITION.—Nothing in this section shall be construed to authorize the National Academy of Sciences to recommend, or any other Federal Government entity or contractor to mandate, direct, control, or suggest, a specific curriculum for teacher education programs.

TITLE III—TITLE III AMENDMENTS

SEC. 301. PROGRAM PURPOSE.

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''351'' and inserting ''391''; and

(B) in paragraph (3)(F), by inserting '', including services that will assist in the education of special populations'' before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting '', including innovative, customized, instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.'';

(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''; and

(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking ''subsection (c)'' and inserting ''subsection (b) and section 391''.

SEC. 302. TITLE III GRANTS FOR AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

(a) ELIGIBLE INSTITUTIONS.—Section 316(b)(3) (20 U.S.C. 1059c(b)(3)) is amended to read as follows:

''(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution that—

''(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act (25 U.S.C. 640a note); or

''(B) is cited in section 532 of the Equity in Educational Land Grant Status Act of 1994 (7 U.S.C. 301 note).''.

(b) DISTANCE LEARNING.—Section 316(c)(2) is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;";

(2) in subparagraph (C), by inserting before the semicolon at the end the following: ", or advanced degrees in tribal governance or tribal public policy";

(3) in subparagraph (D), by inserting before the semicolon at the end the following: ", and in tribal governance or tribal public policy";

(4) by striking "and" at the end of subparagraph (K);

(5) by redesignating subparagraph (L) as subparagraph (M); and

(6) by inserting after subparagraph (K) the following new subparagraph:

"(L) developing or improving facilities for Internet use or other distance learning academic instruction capabilities; and".

(c) APPLICATION AND ALLOTMENT.—Section 316(d) is amended to read as follows:

"(d) APPLICATION AND ALLOTMENT.—

"(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

"(2) APPLICATION.—Any Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

"(3) MINIMUM GRANT.—Notwithstanding section 399(c), the amount allotted to each institution under this section shall not be less than $500,000.

"(4) SPECIAL RULES.—

"(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.".

(d) ALLOCATION OF FUNDS.—Section 316 is further amended by adding at the end the following new subsections:

"(e) CONSTRUCTION GRANTS.—

"(1) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, beginning with fiscal year 2009, the Secretary may reserve 30 percent of such amount for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

"(2) PREFERENCE.—In providing grants under paragraph (1) for any fiscal year, the Secretary shall give preference to eligible institutions that have not received an award under this section for a previous fiscal year.

"(f) ALLOTMENT OF REMAINING FUNDS.—The Secretary shall distribute any funds appropriated to carry out this section for any fiscal year that remain available after the Secretary has awarded grants under subsection (e), to each eligible institution as follows:

"(1) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined

in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

''(2) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.''.

SEC. 303. PREDOMINANTLY BLACK INSTITUTIONS.

Part A of title III is amended by inserting after section 317 (20 U.S.C. 1059d) the following new section:

''SEC. 318. PREDOMINANTLY BLACK INSTITUTIONS.

''(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education—

''(A) that is an eligible institution (as defined in paragraph (5)(A) of this subsection) with a minimum of 1,000 undergraduate students;

''(B) at which at least 50 percent of the undergraduate students enrolled at the institu-

tion are low-income individuals or first-generation college students (as that term is defined in section 402A(g)); and

"(C) at which at least 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the institution is licensed to award by the State in which it is located.

"(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

"(3) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the programs' benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit.

"(4) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

"(5) OTHER DEFINITIONS.—For purposes of this section, the terms defined by section 312 have the meanings provided by that section, except as follows:

"(A) ELIGIBLE INSTITUTION.—

"(i) The term 'eligible institution' means an institution of higher education that—

"(I) has an enrollment of needy undergraduate students as required and defined by subparagraph (B);

"(II) except as provided in section 392(b), the average educational and general expenditure of which are low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction;

"(III) has an enrollment of undergraduate students that is at least 40 percent Black American students;

"(IV) is legally authorized to provide, and provides within the State, an educational program for which the institution awards a bachelors degree, or in the case of a junior or community college, an associate's degree;

"(V) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation; and

"(VI) is not receiving assistance under part B of this title.

"(ii) In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in clause (i)(II) or clause (i)(III). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in paragraph (1)(B) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in paragraph (1)(C).

"(B) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy stu-

dents' means the enrollment at an eligible institution with respect to which at least 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

"(i) in the second fiscal year preceding the fiscal year for which the determination is made, were Pell Grant recipients in such year;

"(ii) come from families that receive benefits under a means-tested Federal benefits program (as defined in paragraph (3));

"(iii) attended a secondary school that was a high-need school during any year of such attendance; or

"(iv) are 'first-generation college students' as that term is defined in section 402A(g), and a majority of such first-generation college students are low-income individuals.

"(c) AUTHORIZED ACTIVITIES.—

"(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded pursuant to subsection (d) shall be used by Predominantly Black Institutions—

"(A) to assist the institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

"(B) to expand higher education opportunities for title IV eligible students by encouraging college preparation and student persistence in secondary and postsecondary education; and

"(C) to strengthen the institution's financial ability to serve the academic needs of the students described in subparagraphs (A) and (B).

"(2) AUTHORIZED ACTIVITIES.—Grants made to an institution under subsection (d) shall be used for one or more of the following activities:

"(A) The activities described in section 311(c)(1) through (11).

"(B) Academic instruction in disciplines in which Black Americans are underrepresented.

"(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary or secondary school in the State that shall include, as

1 part of such program, preparation for teacher
2 certification.
3 "(D) Establishing community outreach
4 programs which will encourage elementary and
5 secondary students to develop the academic
6 skills and the interest to pursue postsecondary
7 education.
8 "(E) Other activities proposed in the appli-
9 cation submitted pursuant to subsection (e)
10 that—
11 "(i) contribute to carrying out the
12 purposes of this section; and
13 "(ii) are approved by the Secretary as
14 part of the review and acceptance of such
15 application.
16 "(3) ENDOWMENT FUND.—
17 "(A) IN GENERAL.—A Predominantly
18 Black Institution may use not more than 20
19 percent of the grant funds provided under this
20 section to establish or increase an endowment
21 fund at the institution.
22 "(B) MATCHING REQUIREMENT.—In order
23 to be eligible to use grant funds in accordance
24 with subparagraph (A), the Predominantly
25 Black Institution shall provide matching funds

from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

"(C) COMPARABILITY.—The provisions of part C regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

"(4) LIMITATION.—Not more than 50 percent of the allotment of any Predominantly Black Institution may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

"(d) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

"(1) ALLOTMENT: PELL GRANT BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-half that amount as the number of Pell Grant recipients in attendance at such institution at the end of the academic year pre-

ceding the beginning of that fiscal year bears to the total number of Pell Grant recipients at all institutions eligible under this section.

"(2) ALLOTMENT: GRADUATES BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-fourth that amount as the number of graduates for such year at such institution bears to the total number of graduates for such year at all intuitions eligible under this section.

"(3) ALLOTMENT: GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-fourth of that amount as the percentage of graduates per institution who, within 2 years of graduation with an associates degree or a baccalaureate degree, are admitted to and in attendance at, either a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American stu-

dents are underrepresented, bears to the percentage of such graduates per institution for all eligible institutions.

"(4) MINIMUM ALLOTMENT.—(A) Notwithstanding paragraphs (1), (2), and (3) of this subsection and section 399(c), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

"(B) If the amount appropriated pursuant to section 399 for any fiscal year is not sufficient to pay the minimum allotment, the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocation shall be increased on the same basis as it was reduced until the amount allotted equals the minimum allotment required by subparagraph (A).

"(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year, which the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions

under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary deems appropriate.

''(e) APPLICATIONS.—No Predominantly Black Institution shall be entitled to its allotment of Federal funds for any grant under subsection (d) for any period unless the institution submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(f) APPLICATION REVIEW PROCESS.—Section 393 shall not apply to applications under this section.

''(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under this part or part B of this title.

''(h) DURATION AND CARRYOVER.—Any funds paid to a Predominantly Black Institution under this section and not expended or used for the purposes for which the funds were paid within 10 years following the date of the grant awarded to such institution under this section shall be repaid to the Treasury of the United States.''.

SEC. 304. ASSISTANCE TO ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS.

Part A of title III is amended by inserting after section 318 (as added by section 303 of this Act) the following new section:

"SEC. 319. ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS.

"(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Asian American and Native American Pacific Islander-serving institutions to enable such institutions to improve and expand their capacity to serve Asian Americans and Native American Pacific Islanders.

"(b) DEFINITIONS.—For the purpose of this section—

"(1) the term 'Asian American' has the meaning given the term Asian in the Office of Management and Budget's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as published on October 30, 1997 (62 Fed. Reg. 58789);

"(2) the term 'Native American Pacific Islander' means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States;

"(3) the term 'Asian American and Native American Pacific Islander-serving institution' means an institution of higher education that—

"(A) is an eligible institution under section 312(b); and

"(B) at the time of application, has an enrollment of undergraduate students that is at least 10 percent Asian American and Native American Pacific Islander students; and

"(4) the term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census.

"(c) AUTHORIZED ACTIVITIES.—

"(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Asian American and Native American Pacific Islander-serving institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Asian Americans and Native American Pacific Islanders.

"(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

"(A) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

"(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

"(C) support of faculty exchanges, and faculty development and faculty fellowships to assist in attaining advanced degrees in the faculty's field of instruction;

"(D) curriculum development and academic instruction;

"(E) purchase of library books, periodicals, microfilm, and other educational materials;

"(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

"(G) joint use of facilities such as laboratories and libraries;

"(H) academic tutoring and counseling programs and student support services;

"(I) establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue post-secondary education;

"(J) establishing or improving an endowment fund;

"(K) academic instruction in disciplines in which Asian Americans and Native American Pacific Islanders are under-represented;

"(L) conducting research and data collection for Asian American and Native American Pacific Islander populations and sub-populations; and

"(M) establishing partnerships with community based organizations serving Asian Americans and Native American Pacific Islanders.

"(d) APPLICATION PROCESS.—

"(1) INSTITUTIONAL ELIGIBILITY.—Each Asian American and Native American Pacific Islander-serving institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is an Asian American and Native

American Pacific Islander-serving institution as defined in subsection (b), along with such other information and data as the Secretary may require.

"(2) APPLICATIONS.—Any institution which is determined by the Secretary to be an Asian American and Native American Pacific Islander-serving institution may submit an application for assistance under this section to the Secretary. Such application shall include—

"(A) a 5-year plan for improving the assistance provided by the Asian American and Native American Pacific Islander-serving institution to Asian American and Native American Pacific Islander students; and

"(B) such other information and assurance as the Secretary may require.

"(3) SPECIAL RULES.—

"(A) ELIGIBILITY.—No Asian American and Native American Pacific Islander-serving institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

"(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

"(i) to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions; and

"(ii) give priority consideration to institutions that serve a significant percentage of Asian American and Native American Pacific Islander students who are low-income individuals.".

SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding after section 319 (as added by section 304 of this Act) the following new section:

"SEC. 320. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

"(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

1 "(b) DEFINITIONS.—In this section:

2 "(1) NATIVE AMERICAN.—The term 'Native
3 American' means an individual who is of a tribe,
4 people, or culture that is indigenous to the United
5 States.

6 "(2) NATIVE AMERICAN-SERVING, NONTRIBAL
7 INSTITUTION.—The term 'Native American-serving,
8 nontribal institution' means an institution of higher
9 education that, at the time of application—

10 "(A) has an enrollment of undergraduate
11 students that is not less than 10 percent Native
12 American students; and

13 "(B) is not a Tribal College or University
14 (as defined in section 316).

15 "(c) AUTHORIZED ACTIVITIES.—

16 "(1) TYPES OF ACTIVITIES AUTHORIZED.—
17 Grants awarded under this section shall be used by
18 Native American-serving, nontribal institutions to
19 assist such institutions to plan, develop, undertake,
20 and carry out activities to improve and expand such
21 institutions' capacity to serve Native Americans.

22 "(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—
23 Such programs may include—

24 "(A) the purchase, rental, or lease of sci-
25 entific or laboratory equipment for educational

1 purposes, including instructional and research
2 purposes;
3 "(B) renovation and improvement in class-
4 room, library, laboratory, and other instruc-
5 tional facilities;
6 "(C) support of faculty exchanges, and fac-
7 ulty development and faculty fellowships to as-
8 sist faculty in attaining advanced degrees in the
9 faculty's field of instruction;
10 "(D) curriculum development and aca-
11 demic instruction;
12 "(E) the purchase of library books, peri-
13 odicals, microfilm, and other educational mate-
14 rials;
15 "(F) funds and administrative manage-
16 ment, and acquisition of equipment for use in
17 strengthening funds management;
18 "(G) the joint use of facilities such as lab-
19 oratories and libraries; and
20 "(H) academic tutoring and counseling
21 programs and student support services.
22 "(d) APPLICATION PROCESS.—
23 "(1) INSTITUTIONAL ELIGIBILITY.—A Native
24 American-serving, nontribal institution desiring to
25 receive assistance under this section shall submit to

the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.

"(2) APPLICATIONS.—

"(A) PERMISSION TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

"(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

"(C) CONTENT.—An application submitted under subparagraph (A) shall include—

"(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and

"(ii) such other information and assurances as the Secretary may require.

"(3) SPECIAL RULES.—

"(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

"(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.".

SEC. 306. STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) DEFINITIONS.—Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting after "the Secretary" the following: ", in consultation with the Commissioner of the National Center for Education Statistics,".

(b) AUTHORIZED ACTIVITIES.—Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) by redesignating paragraph (12) as paragraph (15); and

(2) by inserting after paragraph (11) the following new paragraphs:

''(12) Acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities.

''(13) Education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV.

''(14) Technical assistance or services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two percent of the grant amount may be used for this purpose.''.

(c) ALLOTMENTS.—

(1) MINIMUM ALLOTMENT.—Subsection (d) of section 324 (20 U.S.C. 1063(d)) is amended to read as follows:

''(d) MINIMUM ALLOTMENT.—(1) If an otherwise eligible part B institution did not enroll any Pell Grant recipients, or did not graduate any students in the previous

1 academic year, or where appropriate, send any such grad-
2 uates on to graduate or first-professional degree study, the
3 institution shall not receive a grant under this part.

4 "(2) If the data provided by an eligible institution,
5 pursuant to this section, is insufficient to justify an award
6 in excess of $500,000, the otherwise eligible institution
7 shall receive an allotment of $500,000, except that the
8 Secretary shall not make an award of $500,000 if the
9 amount determined based upon the formulas using sub-
10 section (b), (c), and (d) would be less than $250,000. If
11 the amount determined by the formula would be less than
12 $250,000, the Secretary shall award the minimum allot-
13 ment of $250,000.".

14 (2) CONDITION FOR ALLOTMENTS.—Section
15 324 (20 U.S.C. 1063) is further amended by adding
16 at the end the following new subsection:

17 "(h) CONDITIONS FOR ALLOTMENTS.—No institution
18 shall receive an allotment under this section unless the in-
19 stitution provides data, required by the Secretary con-
20 sistent with the formula in subsections (a) through (c),
21 including the number of Pell Grant recipients enrolled in
22 the previous award year; the number of students who
23 earned an associate or baccalaureate degree in the pre-
24 vious academic year; and, when appropriate, the percent-
25 age of graduates who, within the past five years, enrolled

in a graduate or first-professional degree program. No institution shall receive an allotment, including the minimum allotment under subsection (d), unless the institution provides the data required of that institution by the Secretary.''.

(d) PROFESSIONAL OR GRADUATE INSTITUTIONS.—

(1) DURATION OF GRANT.—Section 326(b) (20 U.S.C. 1063b(b)) is amended by adding at the end the following new sentence: ''Any funds awarded for such five-year grant period that are obligated during such five-year period may be expended during the 10-year period beginning on the first day of such five-year period.''.

(2) AUTHORIZED ACTIVITIES.—Section 326(c) (20 U.S.C. 1063b(c)) is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(8) acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities;

"(9) education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV; and

"(10) technical assistance or services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two percent of the grant amount may be used for this purpose.".

(3) ELIGIBILITY.—Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended—

(A) by striking "and" at the end of subparagraph (Q);

(B) by striking the period at the end of subparagraph (R) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(S) Alabama State University qualified graduate programs;

"(T) Bowie State University qualified graduate programs;

"(U) Delaware State University qualified graduate programs;

"(V) Langston University qualified graduate programs;

"(W) Prairie View A&M University qualified graduate programs; and

"(X) University of the District of Columbia David A. Clarke School of Law.".

(4) CONFORMING AMENDMENT.—Section 326(e)(3) (20 U.S.C. 1063b(e)(3)) is amended—

(A) by striking "1998" and inserting "2008"; and

(B) by striking "(Q) and (R)" and inserting "(S) through (X)".

(5) PRESERVATION OF FUNDING.—Section 326(f) (20 U.S.C. 1063b(f)) is amended—

(A) in paragraph (1)—

(i) by striking "$26,600,000" and inserting "$54,500,000"; and

(ii) by striking "(P)" and inserting "(R)";

(B) in paragraph (2)—

(i) by striking "$26,600,000, but not in excess of $28,600,000" and inserting

"$54,500,000, but not in excess of $60,500,000"; and

(ii) by striking "subparagraphs (Q) and (R)" and inserting "subparagraphs (S) through (X)"; and

(C) in paragraph (3)—

(i) by striking "$28,600,000" and inserting "$60,500,000"; and

(ii) by striking "(R)" and inserting "(X)".

(e) UNEXPENDED FUNDS.—Section 327(b) (20 U.S.C. 1063c(b)) is amended to read as follows:

"(b) USE OF UNEXPENDED FUNDS.—Any funds paid to an institution and not expended or used for the purposes for which the funds were paid during the five-year period following the date of the initial grant award, may be carried over and expended during the succeeding five-year period, if such funds were obligated for a purpose for which the funds were paid during the five-year period following the date of the initial grant award.".

SEC. 307. ENDOWMENT CHALLENGE GRANTS.

(a) AMOUNTS.—Section 331(b) (20 U.S.C. 1065(b)) is amended—

(1) in paragraph (2)(B)(i), by striking "$500,000" and inserting "$1,000,000"; and

(2) in paragraph (5), by striking ''$50,000'' and inserting ''$100,000''.

(b) TECHNICAL ASSISTANCE.—Section 331 (20 U.S.C. 1065) is further amended by adding at the end the following new subsection:

''(l) TECHNICAL ASSISTANCE.—The Secretary, directly or by grant or contract, may provide technical assistance to eligible institutions to prepare the institutions to qualify, apply for, and maintain a grant, under this section.''.

SEC. 308. HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING.

(a) DEFINITIONS.—Section 342 (20 U.S.C. 1066a) is amended—

(1) in paragraph (5)(G), by inserting ''by an accrediting agency or association recognized by the Secretary of Education'' after ''agency or association'';

(2) in paragraph (8)—

(A) is amended by striking ''the private'' and inserting ''any private''; and

(B) by inserting adding ''capital project'' after ''issuing taxable''; and

(3) by adding at the end the following new paragraphs:

"(10) The term 'eligible foundation' means a non-profit foundation owned and sponsored by an eligible institution, or an entity wholly owned by such a foundation.

"(11) The term 'borrower' means the eligible institution or the eligible foundation that receives funding pursuant to a loan.".

(b) FEDERAL INSURANCE FOR BONDS.—

(1) RESPONSIBILITIES OF DESIGNATED BONDING AUTHORITY.—Section 343(b) (20 U.S.C. 1066b(b)) is amended—

(A) in paragraph (1), by striking "2 percent" and inserting "1 percent";

(B) in paragraph (3)(A), by inserting ", not to exceed 1 percent," after "charge such interest";

(C) in paragraph (8)—

(i) by inserting "for loans closed before June 15, 2008," before "establish an escrow account";

(ii) in subparagraph (B)(ii), by inserting "within 90 days" after "loan proceeds";

(D) by striking "and" at the end of paragraph (10);

(E) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(F) by adding at the end the following new paragraphs:

''(12) with respect to any such loan, provide that any loan collateralization shall not exceed 100 percent of the loan amount; and

''(13) for loans closed after, June 15, 2008, establish a reserve account which shall be available to the Secretary to pay principal and interest on the bonds in the event of delinquency in loan repayment, which reserve account shall consist of an origination fee of 1 percent with respect to each loan.''.

(2) FORBEARANCE; DEFERMENT.—Section 343 is further amended by adding at the end the follow new subsections:

''(f) FORBEARANCE.—An insurance agreement under this subsection shall contain provisions providing that, upon request from the borrower and with the approval of the Secretary in consultation with the Advisory Board, the designated bond authority shall grant a borrower forbearance, renewable at 12-month intervals, on terms agreed to in writing by the parties to the loan with the approval of the Secretary, and otherwise consistent with the regulations of the Secretary.

"(g) DEFERMENT.—An insurance agreement under this subsection shall contain provisions providing that, during construction or renovation, the Designated Bond Authority shall grant a borrower deferment, renewable at 12-month intervals, on terms agreed to in writing by the parties to the loan with the approval of the Secretary in consultation with the Advisory Board, and otherwise consistent with the regulations of the Secretary.".

(c) LIMITATIONS ON FEDERAL INSURANCE FOR BONDS ISSUED BY THE DESIGNATED BONDING AUTHORITY.—Section 344(a) (20 U.S.C. 1066c(a)) is amended—

(1) by striking "$375,000,000" and inserting "$1,100,000,000";

(2) by striking "$250,000,000" and inserting "$733,333,333"; and

(3) by striking "$125,000,000" and inserting "$366,666,666".

(d) AUTHORITY OF THE SECRETARY.—Section 345(1) (20 U.S.C. 1066d(1)) is amended—

(1) by striking "the Higher Education Amendments of 1992," and inserting "the College Opportunity and Affordability Act of 2008";

(2) by striking "and" at the end of subparagraph (A); and

(3) by inserting after subparagraph (B) the following new subparagraphs:

"(C) specify up to 3 designated bonding authorities to be authorized under this part; and

"(D) provide for periodic review of designated bonding authority authorizations no less frequently than every 3 years;".

(e) HBCU CAPITAL FINANCING ADVISORY BOARD.—Section 347(b)(1) (20 U.S.C. 1066f(b)(1)) is amended—

(1) by striking out "9 members" and inserting "11 members";

(2) in subparagraph (C), by striking "two" and inserting "three";

(3) by adding at the end the following new subparagraph:

"(G) The president of the Thurgood Marshall Scholarship Fund.".

SEC. 309. PROGRAMS IN STEM FIELDS.

(a) YES PARTNERSHIPS; ENTRY INTO STEM FIELDS.—Part E of title III (20 U.S.C.1067 et seq.) is amended—

(1) by redesignating subpart 2 as subpart 3; and

(2) by inserting after subpart 1 the following new subpart:

"Subpart 2—Programs in STEM Fields

"SEC. 355. YES PARTNERSHIPS GRANT PROGRAM.

"(a) GRANT PROGRAM AUTHORIZED.—Subject to the availability of appropriations to carry out this subpart, the Secretary shall make grants to eligible partnerships (as described in subsection (f)) to support underrepresented minority youth engagement in science, technology, engineering, and mathematics through outreach and hands-on, experiential-based learning projects that encourage underrepresented minority students in kindergarten through grade 12 to pursue careers in science, technology, engineering, and mathematics.

"(b) MINIMUM GRANT AMOUNT.—A grant awarded to a partnership under this subpart shall be for an amount that is not less than $500,000.

"(c) DURATION.—A grant awarded under this subpart shall be for a period of 5 years.

"(d) NON-FEDERAL MATCHING SHARE REQUIRED.—A partnership receiving a grant under this subpart shall provide, from non-Federal sources, in cash or in kind, an amount equal to 50 percent of the costs of the project supported by such grant.

"(e) DISTRIBUTION OF GRANTS.—In awarding grants under this subpart, the Secretary shall ensure that, to the maximum extent practicable, the projects funded under this subpart are located in diverse geographic regions of the United States.

"(f) ELIGIBLE PARTNERSHIPS.—Notwithstanding the general eligibility provision in section 361, eligibility to receive grants under this subpart is limited to partnerships described in paragraph (5) of such section.

"SEC. 356. PROMOTION OF ENTRY INTO STEM FIELDS.

"(a) AUTHORITY TO CONTRACT, SUBJECT TO APPROPRIATIONS.—The Secretary of Education is authorized to enter into a contract with a firm with a demonstrated record of success in advertising to implement a campaign to expand the population of qualified individuals in science, technology, engineering, and math (STEM) fields by encouraging young Americans to enter the those fields.

"(b) DESIGN OF CAMPAIGN.—Such a campaign shall be designed to enhance the image of education and professions in the STEM fields and promote participation in the STEM fields and shall include—

"(1) monitoring trends in youth attitudes toward pursuing education and professions in the

STEM fields and their propensity toward entering the STEM fields;

"(2) determining what factors contribute to encouraging and discouraging Americans from pursuing study in STEM fields and entering the STEM fields professionally;

"(3) determining what specific factors limit the participation of groups currently underrepresented in STEM fields, including Latinos, African-Americans, and women; and

"(4) drawing from the market research performed under this section and implementing an advertising campaign to encourage young Americans to take up studies in STEM fields, beginning at an early age.

"(c) REQUIRED COMPONENTS.—Such a campaign shall include components that focus tailored messages on appropriate age groups, starting with elementary school students. Such a campaign shall link participation in the STEM fields to the concept of service to one's country, so that young people will be encouraged to enter the STEM fields in order fulfill the obligation to be of service to their country.

"(d) PRIORITY.—Such a campaign shall hold as a high priority making specific appeals to Latinos, African-

Americans, and women, who are currently under-represented in the STEM fields, in order to increase their numbers in the STEM fields, and shall tailor recruitment efforts to each specific group.

''(e) USE OF VARIETY OF MEDIA.—Such a campaign shall make use of a variety of media, with an emphasis on television advertising, to reach its intended audience.

''(f) TEACHING.—Such a campaign shall include a narrowly focused effort to attract current professionals in the STEM fields, through advertising in mediums likely to reach that specific group, into teaching in a STEM field in elementary and secondary school.

''SEC. 357. EVALUATION AND ACCOUNTABILITY PLAN.

''The Secretary shall develop an evaluation and accountability plan for projects funded under this subpart. Such plan shall include, if the Secretary determines that it is practical, an objective measure of the impact of such projects, such as a measure of whether underrepresented minority student enrollment in courses related to science, technology, engineering, and mathematics increases at the secondary and postsecondary levels.''.

(b) ELIGIBILITY FOR GRANTS.—Section 361 (20 U.S.C. 1067g) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) in paragraph (4)—

(A) by inserting ''to include public institutions of higher education'' after ''organizations,'';

(B) in subparagraph (C), by inserting before the semicolon the following: '', the Department of Defense, or the National Science Foundation'';

(C) by striking ''or'' at the end of subparagraph (D);

(D) by striking the period at the end of subparagraph (E) and inserting ''; or''; and

(E) by adding at the end the following new subparagraph:

''(F) institutions of higher education which have State-approved centers for research in science, technology, engineering, and mathematics; or''; and

(3) by adding at the end the following new paragraph:

''(5) only with respect to grants under subpart 2, partnerships of organizations, the membership of which shall include—

"(A) at least one institution of higher education eligible for assistance under this title or title V;

"(B) at least one high need local educational agency (as defined in section 200); and

"(C) at least two community organizations or entities, such as businesses, professional associations, community-based organizations, philanthropic organizations, or State agencies.".

SEC. 310. TECHNICAL ASSISTANCE.

Section 391 (20 U.S.C. 1068) is amended by adding at the end the following new subsection:

"(e) TECHNICAL ASSISTANCE.—The Secretary, directly or by grant or contract, may provide technical assistance to eligible institutions to prepare the institutions to qualify, apply for, and maintain a grant, under this title.".

SEC. 311. WAIVER AUTHORITY.

(a) Section 392 (20 U.S.C. 1068a) is amended by adding at the end the following new subsection:

"(c) WAIVER AUTHORITY WITH RESPECT TO INSTITUTIONS LOCATED IN AN AREA AFFECTED BY A GULF HURRICANE DISASTER.—

"(1) WAIVER AUTHORITY.—Notwithstanding any other provision of the law unless enacted with

specific reference to this section, for any affected institution that was receiving assistance under this title at the time of a Gulf hurricane disaster, the Secretary shall, for each of the fiscal years 2009 through 2013—

"(A) waive—

"(i) the eligibility data requirements set forth in section 391(d);

"(ii) the wait-out period set forth in section 313(d);

"(iii) the allotment requirements under section 324; and

"(iv) the use of the funding formula developed pursuant to section 326(f)(3);

"(B) waive or modify any statutory or regulatory provision to ensure that affected institutions that were receiving assistance under this title at the time of a Gulf hurricane disaster are not adversely impacted by any formula calculation for fiscal year 2009 or for any of the 4 succeeding fiscal years; and

"(C) make available to each affected institution an amount that is not less than the amount made available to such institution under this title for fiscal year 2006.

"(2) DEFINITIONS.—In this subsection:

"(A) AFFECTED INSTITUTION.—The term 'affected institution' means an institution of higher education that—

"(i) is—

"(I) a part A institution, as such term is defined in section 312(b);

"(II) an American Indian Tribal College or University, as such term is defined in section 316(b);

"(III) an Alaskan Native-serving institution or Native Hawaiian-serving institution, as such terms are defined in section 317(b); or

"(IV) a part B institution, as such term is defined in section 322(2), or as identified in section 326(e) of such Act of 1965 (20 U.S.C. 1063(b));

"(ii) is located in an area affected by a Gulf hurricane disaster; and

"(iii) is able to demonstrate that, as a result of the impact of a Gulf hurricane disaster, the institution—

"(I) incurred physical damage;

"(II) has pursued collateral source compensation from insurance, the Federal Emergency Management Agency, and the Small Business Administration, as appropriate; and

"(III) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane enrollment levels during the 30-day period beginning on August 29, 2005.

"(B) AREA AFFECTED BY A GULF HURRICANE DISASTER; GULF HURRICANE DISASTER.—The terms 'area affected by a Gulf hurricane disaster' and 'Gulf hurricane disaster' have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).".

SEC. 312. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—Section 399(a) (20 U.S.C. 1068h(a)) is amended to read as follows:

"(a) AUTHORIZATIONS.—

"(1) PART A.—(A) There are authorized to be appropriated to carry out part A, $150,000,000 (other than sections 316 through 320) for fiscal year

2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 316, $30,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(C) There are authorized to be appropriated to carry out section 317, $15,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(D) There are authorized to be appropriated to carry out section 318, $75,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(E) There are authorized to be appropriated to carry out section 319, $30,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(F) There are authorized to be appropriated to carry out section 320, $25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326), $500,000,000 for fiscal year 2009, and such

sums as may be necessary for each of the 4 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 326, $125,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(3) PART C.—There are authorized to be appropriated to carry out part C, $20,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347), $150,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 345(7), such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

"(5) PART E.—(A) There are authorized to be appropriated to carry out subpart 1 of part E, $12,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out subpart 2 of part E, $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

(b) MINIMUM GRANT AMOUNT.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

"(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.".

SEC. 313. TECHNICAL CORRECTIONS.

(a) AMENDMENTS.—Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking ",," and inserting ",";

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting "SALE OF QUALIFIED BONDS.—" before "Notwithstanding";

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking "support" and inserting "supports";

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking "subparagraph (E)" and inserting "subparagraph (D)";

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by

striking ''eligible institutions under part A institutions'' and inserting ''eligible institutions under part A''; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking ''360'' and inserting ''399''.

(b) REDESIGNATION AND RELOCATION.—The Higher Education Act of 1965 is further amended—

(1) by redesignating part J of title IV (as added by section 802 of the College Cost Reduction and Access Act) as part G of title III, and moving such part from the end of title IV to the end of title III; and

(2) by redesignating section 499A (as added by such section) as section 399A.

TITLE IV—TITLE IV AMENDMENTS

PART A—PART A AMENDMENTS

SEC. 401. FEDERAL PELL GRANTS.

(a) AUTHORIZED MAXIMUMS.—Section 401(b)(2)(A) (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be $9,000 for each of the academic years 2009–2010 through 2013–2014, less an amount equal to the amount determined to be the

1 expected family contribution with respect to that student
2 for that year.''.
3 (b) MULTIPLE GRANTS.—
4 (1) AMENDMENT.—Paragraph (5) of section
5 401(b) is amended to read as follows:
6 ''(5) YEAR-ROUND PELL GRANTS.—The Sec-
7 retary shall, for students enrolled in a baccalaureate
8 degree, associate's degree, or certificate program of
9 study at an eligible institution, award such students
10 not more than two Pell grants during an award year
11 to permit such students to accelerate progress to-
12 ward their degree or certificate objectives by enroll-
13 ing in courses for more than 2 semesters, or 3 quar-
14 ters, or the equivalent, in a given academic year.''.
15 (2) EFFECTIVE DATE.—The amendment made
16 by paragraph (1) shall be effective July 1, 2009.
17 (c) INELIGIBILITY BASED ON INVOLUNTARY CIVIL
18 COMMITMENT FOR SEXUAL OFFENSES.—Paragraph (7)
19 of section 401(b) (as redesignated by section 101(a) of
20 the College Cost Reduction and Access Act) is amended
21 by inserting before the period the following: ''or who is
22 subject to an involuntary civil commitment upon comple-
23 tion of a period of incarceration for a forcible or nonforc-
24 ible sexual offense (as determined in accordance with the

Federal Bureau of Investigation's Uniform Crime Reporting Program)''.

(d) TECHNICAL AMENDMENTS TO CCRAA.—Section 401(b)(9) is amended—

(1) by amending subparagraph (D) to read as follows:

''(D) PROGRAM REQUIREMENTS AND OPERATIONS OTHERWISE UNAFFECTED.—Except as provided in subparagraphs (B) and (C), nothing in this paragraph shall be construed to alter the requirements and operations of the Federal Pell Grant Program as authorized under this section, or authorize the imposition of additional requirements or operations for the determination and allocation of Federal Pell Grants under this section.''; and

(2) by amending subparagraph (F) to read as follows:

''(F) AVAILABILITY OF FUNDS.—The amounts made available by subparagraph (A) for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year.''.

(e) MAXIMUM DURATION OF ELIGIBILITY.—Section 401(c) is amended by adding at the end the following new paragraph:

''(5) The period during which a student may receive Federal Pell Grants shall not exceed the equivalent of 18 semesters or 27 quarters in duration, as determined by the Secretary by regulation. Such regulations shall provide, with respect to a student who received a Federal Pell Grant for a semester or quarter but was enrolled at a fraction of full-time, that only that same fraction of such semester or quarter shall count towards such duration limits. The provisions of this paragraph shall apply only to a student who receives a Federal Pell Grant for the first time on or after July 1, 2008.''.

(f) CALCULATION OF FEDERAL PELL GRANT ELIGIBILITY.—

(1) AMENDMENT.—Section 401(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a(f)) is amended by adding at the end the following new paragraph:

''(4)(A) Notwithstanding paragraph (1) or any other provision of this section, the expected family contribution of each student described in subparagraph (B) shall be deemed to be zero for the period

during which each such student is eligible to receive a Federal Pell Grant under subsection (c).

"(B) Subparagraph (A) shall apply to any student at an institution of higher education—

"(i) whose parent or guardian was a member of the Armed Forces of the United States who died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

"(ii) who was 18 years or less, or was enrolled as a full-time or part-time student at an institution of higher education, as of the time of the parent or guardian's death.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to Federal Pell Grants awarded for academic year 2009–2010, and each succeeding academic year.

(g) ACADEMIC COMPETITIVENESS GRANTS.—Section 401A (as amended by section 8003 of Public Law 109–171)—

(1) in subsection (b), by striking "academic" each place it appears;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''academic'' and inserting ''award''; and

(ii) by striking ''full–time''; and

(B) by amending paragraph (1) to read as follows:

''(1) is an eligible student under section 484, including being enrolled or accepted for enrollment in a degree, certificate, or other eligible program leading to a recognized educational credential at an institution of higher education;''; and

(C) in paragraph (3)—

(i) by striking ''academic'' each place it appears;

(ii) by striking ''established by a State or local educational agency and recognized as such by the Secretary'' each place it appears in subparagraphs (A)(i) and (B)(i) and inserting ''that prepares students for college and work beyond the basic graduation requirements and that is recognized as such by the designated State official, or with respect to any private school or home school, the designated school official for such school, consistent with State law'';

(iii) in subparagraph (A)(ii), by inserting ", except as part of a secondary school program of study" before the semicolon;

(iv) in subparagraph (C)—

(I) by striking clause (i)(II) and inserting the following:

"(II) a critical foreign language; and"; and

(II) in clause (ii), by striking the period at the end and inserting "; and"; and

(v) by adding at the end the following:

"(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)) that demonstrates, to the satisfaction of the Secretary, that the institution—

"(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and those students—

"(I) study, in such years, a subject described in subparagraph (C)(i)

that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; or

''(II) has obtained a cumulative grade point average of at least 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) in the relevant coursework; and

''(ii) offered such curriculum prior to February 8, 2006.'';

(3) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in clause (i), by inserting ''for one academic year during the student's first year of enrollment'' after ''$750'';

(ii) in clause (ii), by inserting ''for one academic year during the student's second year of enrollment'' after ''$1,300''; and

(iii) in clause (iii)—

(I) by inserting ''for one academic year'' after ''$4,000''; and

(II) by striking ''subsection (c)(3)(C).'' and inserting ''subparagraph (C) or (D) of subsection (c)(3), for each of the 2 years described in such subparagraphs; or'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''an academic'' and inserting ''a''; and

(II) by striking ''(B), or (C)'' and inserting ''(B), (C), or (D)''; and

(ii) in subparagraph (B)—

(I) by striking ''or'' at the end of clause (ii); and

(II) by striking clause (iii) and inserting the following:

''(iii) two academic years under subsection (c)(3)(C); or

''(iv) two academic years under subsection (c)(3)(D).''; and

(C) by adding at the end the following new paragraph:

''(3) ADJUSTMENT FOR LESS THAN FULL-TIME ENROLLMENT.—A grant awarded under this section to an eligible student who attends an eligible institu-

tion on a less than full-time (but at least half-time or more) basis shall be reduced in the same proportion as would a Federal Pell Grant pursuant to section 401(b)(2)(B).''; and

(4) in subsection (g), by striking ''academic'' and inserting ''award''.

SEC. 402. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''community-based organizations with experience in serving disadvantaged youth'' after ''private agencies and organizations''; and

(ii) by striking ''in exceptional circumstances,'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''4'' and inserting ''5''; and

(ii) by amending subparagraph (A) to read as follows:

"(A) to synchronize the awarding of grants for programs under this chapter, the Secretary may, under such terms as are consistent with the purposes of this chapter, provide a one-time, limited extension of the length of such an award;"; and

(C) by striking paragraph (3) and inserting the following:

"(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.";

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) PRIOR EXPERIENCE.—In" and inserting the following:

"(2) CONSIDERATIONS.—(A) PRIOR EXPERIENCE.—In";

(ii) by striking "service delivery" and inserting "high quality service delivery, as determined under subsection (f),"; and

(iii) by adding at the end the following new subparagraph:

''(B) PARTICIPANT NEED.—In making grants under this chapter, the Secretary shall consider the number, percentages, and needs of eligible participants in the area, college, or school or schools to be served to aid such participants in preparing for, enrolling in, or succeeding in college, as appropriate to the particular program for which the eligible entity is applying.'';

(B) in paragraph (3)(B), by striking ''is not required to'' and inserting ''shall not'';

(C) in paragraph (5), by striking ''campuses'' and inserting ''different campuses''; and

(D) in paragraph (6), by adding at the end the following new sentence: ''The Secretary shall require each applicant for funds under the programs authorized by this chapter to identify services to foster care youth (including youth in foster care and youth who have left foster care after reaching age 16) as a permissible service in those programs, and to ensure that such youth receive supportive services, including mentoring, tutoring, and other services provided by those programs.'';

(3) in subsection (e)—

(A) by striking ''(g)(2)'' each place it appears and inserting ''(h)(4)''; and

(B) by adding at the end the following new paragraph:

''(3) Notwithstanding this subsection and subsection (i)(4), individuals who are homeless or unaccompanied youth as defined in section 725 of the McKinney-Vento Homeless Assistance Act shall be eligible to participate in programs under sections 402B, 402C, 402D, and 402F of this chapter.'';

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

''(f) OUTCOME CRITERIA.—

''(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—The Secretary shall use the outcome criteria described in paragraphs (2) and (3) to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria.

"(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

"(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

"(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

"(i) the delivery of service to a total number of students served by the program;

"(ii) the continued secondary school enrollment of such students;

"(iii) the graduation of such students from secondary school;

"(iv) the completion by such students of a rigorous secondary school program of study that will make them eligible for pro-

grams such as the Academic Competitiveness Grants; and

"(v) the enrollment of such students in an institution of higher education.

"(B) For programs authorized under section 402C, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

"(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

"(ii) such students' school performance, as measured by the grade point average, or its equivalent;

"(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

"(iv) the retention in, and graduation from, secondary school of such students;

"(v) the completion by such students of a rigorous secondary school program of study that will make them eligible for pro-

grams such as the Academic Competitiveness Grants; and

"(vi) the enrollment of such students in an institution of higher education.

"(C) For programs authorized under section 402D—

"(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

"(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the percentage of students served by the program who completed degree programs met or exceeded the entity's objectives; or

"(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the students served by the entity met or exceeded s objectives regarding—

"(aa) the completion of a degree or certificate; and

"(bb) the transfer to institutions of higher education that offer baccalaureate degrees;

"(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

"(iv) the extent to which the entity met or exceeded the entity's objectives regarding such students remaining in good academic standing.

"(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

"(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

"(ii) the provision of appropriate scholarly and research activities for the students served by the program;

"(iii) the acceptance and enrollment of such students in graduate programs; and

"(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

"(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

"(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

"(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

"(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

"(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

"(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which an outcome criterion described in paragraph (2) or (3) is met or exceeded, the Secretary shall compare the agreed upon target for the criterion, as established in the eligible entity's application approved for funding by the Secretary, with the results for the criterion, measured as of the last day of the applicable time period for the determination for each outcome criteria.

"(5) APPEALS.—(A) Upon a determination by the Secretary not to accept an application, or upon a determination by the Secretary through the peer review process as specified in subsection (c)(4) not to fund an application, for any program under this chapter, the Secretary shall allow such applicant to appeal the funding decision. An applicant may submit a written request for reconsideration of the application, with appropriate documentary evidence, to the Secretary.

"(B) For appeals regarding the awarding of points for prior experience of high quality service delivery or a decision not to read an application or any mishandling of such application, a panel of three Department employees appointed by the Secretary shall review each request for reconsideration. The panel shall review the request for the purpose of identifying any technical errors or administrative problems with the scoring of the application, the awarding of prior experience points, or the handling of the application, including any decision not to read an application. The panel shall make its recommendations to the Secretary in writing.

"(C) For appeals regarding scoring decisions by the peer review panel, the Secretary shall refer the application to a second peer review panel.

"(D) In each instance, after the Secretary or the Secretary's designee considers the recommendations of the panel and makes a final decision, the Secretary shall notify each entity requesting reconsideration under this paragraph regarding the status of their appeal within 90 days after the date the applicant submitted the appeal.";

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking ''$700,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''$950,000,000 for fiscal year 2009 and such sums for each of the 4 succeeding fiscal years.''; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

"(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals that an eligible entity desires to serve through an application for a grant under this chapter, and that—

"(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

"(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.";

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A)—

(I) by striking ", any part of which occurred after January 31, 1955,"; and

(II) by striking "or" after the semicolon;

(ii) in subparagraph (B)—

(I) by striking "after January 31, 1955,"; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) was a member of a reserve component of the Armed forces called to active duty for a period of more than 180 days; or

"(D) was a member of a reserve component of the Armed Forces who served on active duty in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code) on or after September 11, 2001."; and

(D) in paragraph (6), by striking "subparagraph (A) or (B) of paragraph (3)" and inserting "subparagraph (A), (B), or (C) of paragraph (5)".

(b) TALENT SEARCH.—Section 402B(b)(10) (20 U.S.C. 1070a–12(b)(10)) is amended by inserting ", groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students" after "limited English proficiency".

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) in subsection (b)(11), by inserting ", including mathematics and science preparation," after "special services";

(2) in subsection (b)(12), by inserting ", groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students" after "limited English proficiency"; and

(3) by adding at the end the following:

"(f) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Upon enactment of this subsection and except as otherwise expressly provided by amendment to this section, the Secretary shall not continue implement or enforce the absolute priority for Upward Bound Program published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.). This subsection shall not be applied retroactively. In implementing this subsection, the Department shall allow the programs and participants chosen in the grant cycle to which the priority applies to continue their grants and participation without a further recompetition. The entities shall not be required to apply the absolute priority conditions or restrictions to future participants.".

(d) STUDENT SUPPORT SERVICES.—Section 402D(b)(10) (20 U.S.C. 1070a–14(b)(10)) is amended by

inserting ", groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students" after "limited English proficiency".

(e) AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(c)(2) (20 U.S.C. 1070a–15(c)(2)) is amended by inserting ", including Native Hawaiians, as defined section 317(b)(3), and Pacific Islanders" after "graduate education".

(f) EDUCATIONAL OPPORTUNITY CENTERS.—Section 402F(b)(10) (20 U.S.C. 1070a–16(b)(10)) is amended by inserting ", groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students" after "limited English proficiency".

(g) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b) (20 U.S.C. 1070a–17(b)) is amended by adding at the end the following new paragraph:

"(5) Strategies for recruiting and serving hard-to-reach populations, including students of limited English proficiency, groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, disconnected students, and students with disabilities.".

(h) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting "**REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION**.";

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) REPORTS TO THE AUTHORIZING COMMITTEES.—The Secretary shall submit annually to the authorizing committees a report that documents the performance of all programs funded under this chapter. The report shall—

"(1) be submitted not later than 24 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

"(2) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

"(3) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

"(4) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

"(5) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities."; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraph (2) and inserting the following:

"(2) PRACTICES.—

"(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in—

"(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

"(ii) the preparation of the individuals and students for postsecondary education; and

"(iii) fostering the success of the individuals and students in postsecondary education.

"(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as its primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

"(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). Such practices may be used by eligible entities that receive assistance under this chapter after the dissemination.

"(3) RECRUITMENT.—The Secretary shall not require an eligible entity desiring to receive assistance under this chapter to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.

"(4) CONSIDERATION.—When designing an evaluation under this subsection, the Secretary shall consider—

"(A) the burden placed upon the program participants or the eligible entity; and

"(B) approval by the institution's institutional review board.".

SEC. 403. GEARUP AMENDMENTS.

(a) ELIGIBLE STUDENTS.—Section 404A(a) (20 U.S.C. 1070a–21(a)) is amended—

(1) in paragraph (1), by inserting ", including students with disabilities," after "low-income students"; and

(2) in paragraph (2)(A), by inserting ", including students with disabilities," after "secondary school students".

(b) AWARD PERIOD; PRIORITY.—Section 404A(b) (20 U.S.C. 1070a–21(b)) is amended by striking paragraph (2) and inserting the following:

"(2) AWARD PERIOD.—The Secretary may award a grant under this chapter to an eligible entity described in paragraphs (1) and (2) of subsection (c) for 7 years.

"(3) PRIORITY.—In making awards to eligible entities described in subsection (c)(1), the Secretary shall—

"(A) give priority to eligible entities that—

"(i) on the day before the date of enactment of the College Opportunity and Affordability Act of 2008, carried out successful educational opportunity programs under this chapter (as this chapter was in effect on such day); and

"(ii) have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies; and

"(B) ensure that students served under this chapter on the day before the date of enactment of the College Opportunity and Affordability Act of 2008 continue to receive assistance through the completion of secondary school.".

(c) REQUIREMENTS: CONTINUITY OF SERVICES.—

(1) COHORT APPROACH.—Section 404B(g)(1) (20 U.S.C. 1070a–22(g)(1)) is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) in subparagraph (B)—

(i) by inserting "and provide the option of continued services through the student's first year of attendance at an institution of higher education" after "grade level"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) provide services under this chapter to students who have received services under a previous GEAR UP grant award but have not yet completed the 12th grade.".

(2) EARLY INTERVENTION.—Section 404D (20 U.S.C. 1070a–24) is amended—

(A) in subsection (a)(1)(B)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iv) the transition to college or post-secondary education through continuity of services to support students in and through the first year of attendance at an institution of higher education.";

(B) in subsection (b)(2)(A)—

(i) by inserting "and students in the first year of attendance at an institution of higher education" after "grade 12";

(ii) by striking "and" at the end of clause (i);

(iii) by striking the period at the end of clause (ii) and inserting ''; and''; and

(iv) by adding at the end the following new clause:

''(iii) may include special programs or tutoring in science, technology, engineering, or mathematics.''; and

(C) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''grade 12 who is eligible'' and inserting ''grade 12, and may consider a student in the first year of attendance at an institution, who is'';

(ii) in paragraph (1), by inserting ''eligible'' before ''to be counted'';

(iii) in paragraph (2), by inserting ''eligible'' before ''for free'', and by striking ''or'';

(iv) in paragraph (3), by inserting ''eligible'' before ''for assistance'', and by striking the period and inserting ''; or''; and

(v) by adding at the end the following new paragraph:

''(4) a disconnected student.''.

(d) FLEXIBILITY IN MEETING MATCHING REQUIREMENTS.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by inserting ''and accrued over the full duration of the grant award period'' after ''in cash or in kind'';

(B) in paragraph (2), by adding at the end the following new sentence: ''Eligible entities may request a reduced match percentage at the time of application or by petition subsequent to a grant award, provided that an eligible entity can demonstrate a change in circumstances that was unknown at the time of application.''; and

(C) by adding at the end the following new paragraph:

''(3) ADDITIONAL SPECIAL RULE.—To encourage eligible entities described in 404A(c) to provide students under this chapter with financial assistance for postsecondary education, each dollar of non-Federal funds obligated under subsection (c)(1) and (c)(2) shall, for purposes of paragraph (1)(A) of this subsection, be treated as 2 dollars.''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''paid to students from State, local, institutional, or private funds under this chapter'' and inserting ''obligated to students from State, local, institutional, or private funds under this chapter, including pre-existing , non-Federal financial assistance programs'';

(B) by striking ''and'' at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(4) other resources recognized by the Secretary, including equipment and supplies, cash contribution from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.''.

(e) EARLY INTERVENTION.—Section 404D (20 U.S.C. 1070a–24) is amended—

(1) in subsection (b)(2)(A)(ii), by striking ''and academic counseling'' and inserting '', academic counseling, and financial literacy and economic literacy education or counseling'';

(2) in subsection (b)(2), by adding at the end the following new subparagraphs:

"(F) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

"(G) Engaging entities described in section 404A(c)(2)(C) in a collaborative manner to provide matching resources and participate in other activities authorized under this section.

"(H) Disseminating information that promotes the importance of higher education, explains college preparation and admission requirements, and raises awareness of the resources and services provided by the eligible entities described in section 404A(c) to eligible students, their families, and communities."; and

(3) by adding at the end of subsection (b) the following new paragraph:

"(3) ADDITIONAL PERMISSIBLE ACTIVITIES FOR STATES.—In meeting the requirements of subsection (a), an eligible entity described in section 404A(c)

(1) receiving funds under this chapter may, in addition to the activities authorized by paragraph (2) of this subsection, use funds to provide technical assistance to—

"(A) middle schools or secondary schools that are located within the State; or

"(B) partnerships described in section 404A(c)(2) that are located within the State.".

(f) SCHOLARSHIP COMPONENT.—Section 404E(b)(2) (20 U.S.C. 1070a–25) is amended by striking "the maximum Federal Pell Grant" and inserting "the minimum Federal Pell Grant".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404H (20 U.S.C. 1070a–31) is amended by striking "$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$400,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years".

SEC. 404. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

SEC. 405. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking "$675,000,000 for fiscal year 1999" and inserting "$875,000,000 for fiscal year 2009".

(b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Section 413D(c)(3)(D) (20 U.S.C. 1070b–3(c)(3)(D)) is amended by striking "$450" and inserting "$600".

SEC. 406. GRANTS FOR ACCESS AND PERSISTENCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 415A(b) (20 U.S.C. 1070c(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $200,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) RESERVATION.—For any fiscal year for which the amount appropriated under paragraph (1) exceeds $30,000,000, the excess amount shall be available to carry out section 415E.".

(b) APPLICATIONS FOR LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAMS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in paragraph (2), by striking "$5,000" and inserting "$12,500";

(2) in paragraph (9), by striking ''and'' after the semicolon;

(3) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(11) provides notification to eligible students that such grants are—

''(A) Leveraging Educational Assistance Partnership Grants; and

''(B) funded by the Federal Government and the State.''.

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

''SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

''(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

''(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties to carry out activities under this section and to provide coordination and cohesion among Federal, State, and local governmental and

private efforts that provide financial assistance to help low-income students attend college;

"(2) provide need-based access and persistence grants to eligible low-income students;

"(3) provide early notification to low-income students of their eligibility for financial aid; and

"(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

"(b) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share of the cost of carrying out the activities under subsection (d).

"(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

"(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in its application under sub-

section (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

"(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements under paragraph (2)(B)(ii).

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out the activities under subsection (d) for any fiscal year shall not exceed 66.66 percent.

"(B) DIFFERENT PERCENTAGES.—The Federal share under this section shall be determined in accordance with the following:

"(i) The Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent if a State applies for an allotment under this section in partnership with any number of degree-granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all

1 students attending institutions of higher
2 education in the State, and—
3 "(I) philanthropic organizations
4 that are located in, or that provide
5 funding in, the State; or
6 "(II) private corporations that
7 are located in, or that do business in,
8 the State.
9 "(ii) The Federal share of the cost of
10 carrying out the activities under subsection
11 (d) shall be equal to 66.66 percent if a
12 State applies for an allotment under this
13 section in partnership with any number of
14 degree-granting institutions of higher edu-
15 cation in the State whose combined full-
16 time enrollment represents a majority of
17 all students attending institutions of high-
18 er education in the State, and—
19 "(I) philanthropic organizations
20 that are located in, or that provide
21 funding in, the State; or
22 "(II) private corporations that
23 are located in, or that do business in,
24 the State.
25 "(C) NON-FEDERAL SHARE.—

"(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fairly evaluated.

"(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this subparagraph, an in kind contribution is a non-cash contribution that—

"(I) has monetary value, such as the provision of—

"(aa) room and board; or

"(bb) transportation passes; and

"(II) helps a student meet the cost of attendance at an institution of higher education.

"(iii) EFFECT ON NEEDS ANALYSIS.—For the purpose of calculating a student's need in accordance with part F, an in kind contribution described in clause (ii) shall not be considered an asset or income of the student or the student's parent.

"(c) APPLICATION FOR ALLOTMENT.—

"(1) IN GENERAL.—

"(A) SUBMISSION.—A State that desires to receive an allotment under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

"(i) A description of the State's plan for using the allotted funds.

"(ii) Assurances that the State will provide matching funds, in cash or in kind, from State, institutional, philanthropic, or private funds, of not less than 33.33 percent of the cost of carrying out the activities under subsection (d). The State shall specify the methods by which matching funds will be paid. A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations

toward fulfilling the State's matching obligation under this clause.

"(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

"(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d).

"(v) A description of the steps the State will take to ensure students who receive grants under this section persist to degree completion.

"(vi) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479(c), to identify eligible low-income students and award State grant aid to such students.

"(vii) Assurances that the State will provide notification to eligible low-income

1 students that grants under this section
2 are—
3 "(I) Leveraging Educational As-
4 sistance Partnership Grants; and
5 "(II) funded by the Federal Gov-
6 ernment and the State.
7 "(2) STATE AGENCY.—The State agency that
8 submits an application for a State under section
9 415C(a) shall be the same State agency that sub-
10 mits an application under paragraph (1) for such
11 State.
12 "(3) PARTNERSHIP.—In applying for an allot-
13 ment under this section, the State agency shall apply
14 for the allotment in partnership with—
15 "(A) not less than one public and one pri-
16 vate degree-granting institution of higher edu-
17 cation that are located in the State;
18 "(B) new or existing early information and
19 intervention, mentoring, or outreach programs
20 located in the State; and
21 "(C) not less than one—
22 "(i) philanthropic organization located
23 in, or that provides funding in, the State;
24 or

"(ii) private corporation located in, or that does business in, the State.

"(4) ROLES OF PARTNERS.—

"(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

"(i) shall—

"(I) serve as the primary administrative unit for the partnership;

"(II) provide or coordinate matching funds, and coordinate activities among partners;

"(III) encourage each institution of higher education in the State to participate in the partnership;

"(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

"(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

"(ii) may provide early information and intervention, mentoring, or outreach programs.

"(B) DEGREE-GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree-granting institution of higher education (as defined in section 102) that is in a partnership receiving an allotment under this section—

"(i) shall—

"(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

"(II) provide support services to students who receive an access and persistence grant under this section and are enrolled at such institution; and

"(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

"(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

"(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

"(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for access and persistence grants for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award access and persistence grants to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

"(B) AMOUNT.—

"(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

"(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(B)(i), the amount of an access and persistence grant awarded by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides and such amount shall be used toward the cost of attendance at an institution of higher education, located in the State, that is a partner in the partnership.

"(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and man-

1 datory fees at 4-year public institu-
2 tions of higher education in the State,
3 may increase the amount of access
4 and persistence grants awarded by
5 such State up to an amount that is
6 equal to the average cost of attend-
7 ance at 4-year public institutions of
8 higher education in the State.

9 ''(ii) PARTNERSHIP WITH INSTITU-
10 TIONS SERVING THE MAJORITY OF STU-
11 DENTS IN THE STATE.—In the case where
12 a State receiving an allotment under this
13 section is in a partnership described in
14 subsection (b)(2)(B)(ii), the amount of an
15 access and persistence grant awarded by
16 such State shall be not less than the aver-
17 age cost of attendance at 4-year public in-
18 stitutions of higher education in the State
19 where the student resides and such amount
20 shall be used by the student to attend an
21 institution of higher education, located in
22 the State, that is a partner in the partner-
23 ship.

24 ''(2) EARLY NOTIFICATION.—

"(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students (such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)) in grade 7 through grade 12 in the State, and their families, of their potential eligibility for student financial assistance, including an access and persistence grant, to attend an institution of higher education.

"(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

"(i) shall include—

"(I) information about early information and intervention, mentoring, or outreach programs available to the student;

"(II) information that a student's candidacy for an access and persistence grant is enhanced through participation in an early information and intervention, mentoring, or outreach program;

1 "(III) an explanation that stu-
2 dent and family eligibility and partici-
3 pation in other Federal means-tested
4 programs may indicate eligibility for
5 an access and persistence grant and
6 other student aid programs;
7 "(IV) a nonbinding estimation of
8 the total amount of financial aid a
9 low-income student with a similar in-
10 come level may expect to receive, in-
11 cluding an estimation of the amount
12 of an access and persistence grant
13 and an estimation of the amount of
14 grants, loans, and all other available
15 types of aid from the major Federal
16 and State financial aid programs;
17 "(V) an explanation that in order
18 to be eligible for an access and per-
19 sistence grant, at a minimum, a stu-
20 dent shall meet the requirement under
21 paragraph (3), graduate from sec-
22 ondary school, and enroll at an insti-
23 tution of higher education that is a
24 partner in the partnership;

"(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of an access and persistence grant under this section; and

"(VII) instructions on how to apply for an access and persistence grant and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

"(ii) may include a disclaimer that access and persistence grant awards are contingent upon—

"(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership;

"(II) annual Federal and State appropriations; and

"(III) other aid received by the student at the time of the student's enrollment at an institution of higher education that is a partner in the partnership.

"(3) ELIGIBILITY.—In determining which students are eligible to receive access and persistence grants, the State shall ensure that each such student complies with the following subparagraph (A) or (B):

"(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

"(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

"(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

"(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

"(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

"(B) Is receiving, or has received, an access and persistence grant under this section, in accordance with paragraph (5).

"(4) GRANT AWARD.—Once a student, including a student who has received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related State form, and is determined to be eligible by the State under paragraph (3), the State shall—

"(A) issue the student a preliminary access and persistence grant award certificate with tentative award amounts; and

"(B) inform the student that payment of the access and persistence grant award

amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

"(5) DURATION OF AWARD.—An eligible student that receives an access and persistence grant under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to baccalaureate degree completion.

"(e) ADMINISTRATIVE COST ALLOWANCE.—A State that receives an allotment under this section may reserve not more than 3.5 percent of the funds made available annually through the allotment for State administrative functions required to carry out this section.

"(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(B)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institu-

1 tion to successfully and efficiently participate in the activi-
2 ties of the partnership.

3 "(g) APPLICABILITY RULE.—The provisions of this
4 subpart which are not inconsistent with this section shall
5 apply to the program authorized by this section.

6 "(h) MAINTENANCE OF EFFORT REQUIREMENT.—
7 Each State receiving an allotment under this section for
8 a fiscal year shall provide the Secretary an assurance that
9 the aggregate amount expended per student or the aggre-
10 gate expenditures by the State, from funds derived from
11 non-Federal sources, for the authorized activities de-
12 scribed in subsection (d) for the preceding fiscal year were
13 not less than the amount expended per student or the ag-
14 gregate expenditure by the State for such activities for the
15 second preceding fiscal year.

16 "(i) SPECIAL RULE.—Notwithstanding subsection
17 (h), for purposes of determining a State's share of the cost
18 of the authorized activities described in subsection (d), the
19 State shall consider only those expenditures from non-
20 Federal sources that exceed its total expenditures for
21 need-based grants, scholarships, and work-study assist-
22 ance for fiscal year 1999 (including any such assistance
23 provided under this subpart).

24 "(j) REPORTS.—Not later than 3 years after the date
25 of enactment of the College Opportunity and Affordability

1 Act of 2008, and annually thereafter, the Secretary shall
2 submit a report describing the activities and the impact
3 of the partnerships under this section to the authorizing
4 committees.''.

5 (d) CONTINUATION AND TRANSITION.—During the
6 2-year period commencing on the date of enactment of this
7 Act, the Secretary shall continue to award grants under
8 section 415E of the Higher Education Act of 1965 (20
9 U.S.C. 1070c–3a), as such section existed on the day be-
10 fore the date of enactment of this Act, to States that
11 choose to apply for grants under such predecessor section.

12 (e) IMPLEMENTATION AND EVALUATION.—Section
13 491(j) (20 U.S.C. 1098(j)) is amended—

14 (1) in paragraph (4), by striking ''and'' after
15 the semicolon;

16 (2) by redesignating paragraph (5) as para-
17 graph (6); and

18 (3) by inserting after paragraph (4) the fol-
19 lowing:

20 ''(5) not later than 6 months after the date of
21 enactment of the College Opportunity and Afford-
22 ability Act of 2008, advise the Secretary on means
23 to implement the activities under section 415E, and
24 the Advisory Committee shall continue to monitor,
25 evaluate, and make recommendations on the

progress of partnerships that receive allotments under such section; and''.

SEC. 407. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A (20 U.S.C. 1070d–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking ''parents'' and inserting ''immediate family'';

(B) in paragraph (3)(B), by inserting ''(including preparation for college entrance examinations)'' after ''college program'';

(C) in paragraph (5), by striking ''weekly'';

(D) in paragraph (7), by striking ''and'' after the semicolon;

(E) in paragraph (8)—

(i) by inserting ''(such as transportation and child care)'' after ''services''; and

(ii) by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(9) other activities to improve persistence and retention in postsecondary education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''parents'' and inserting ''immediate family''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''to improve placement, persistence, and retention in postsecondary education,'' after ''services''; and

(II) in clause (i), by striking ''and career'' and inserting ''career, and economic education or personal finance'';

(iii) in subparagraph (E), by striking ''and'' after the semicolon;

(iv) by redesignating subparagraph (F) as subparagraph (G);

(v) by inserting after subparagraph (E) the following:

''(F) internships; and''; and

(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking ''support services'' and inserting ''essential sup-

portive services (such as transportation and child care)''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting '', and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and''; and

(iii) by adding at the end the following:

''(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.'';

(3) in subsection (e), by striking ''section 402A(c)(1)'' and inserting ''section 402A(c)(2)'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''$150,000'' and inserting ''$180,000''; and

(B) in paragraph (2), by striking "$150,000" and inserting "$180,000";

(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(6) by inserting after subsection (f) the following:

"(g) RESERVATION AND ALLOCATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary—

"(1) may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a); and

"(2) shall, in awarding grants from the remainder of such amounts—

"(A) make available not less than 45 percent of such remainder for the high school equivalency programs and not less than 45 percent of such remainder for the college assistance migrant programs;

"(B) award the rest of such remainder for either high school equivalency programs or college assistance migrant programs based on the number, quality, and promise of the applications; and

"(C) consider the need to provide an equitable geographic distribution of such grants.";

(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:

"(h) DATA COLLECTION.—The Commissioner for Education Statistics shall—

"(1) annually collect data on persons receiving services authorized under this subpart regarding such persons rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education;

"(2) not less often than once every 2 years, prepare and submit to the authorizing committees a report based on the most recently available data under paragraph (1) to the authorizing committees; and

"(3) make such report available to the public."; and

(8) by striking subsection (i) (as redesignated by paragraph (5)) and inserting the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants and contracts under this section, there are authorized to be appropriated $75,000,000 for fiscal year 2009 and such sums as may be necessary for the each of the 4 succeeding fiscal years.".

SEC. 408. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

Subpart 6 of part A of title IV is amended to read as follows:

"Subpart 6—Robert C. Byrd American Competitiveness Program

"SEC. 419A. ROBERT C. BYRD MATHEMATICS AND SCIENCE HONORS SCHOLARSHIP PROGRAM.

''(a) PURPOSE.—The purpose of this section is to award scholarships to students who are enrolled in studies leading to baccalaureate and advanced degrees in physical, life, or computer sciences, mathematics, or engineering.

''(b) DEFINITIONS.—As used in this section—

''(1) the term 'computer science' means the branch of knowledge or study of computers, including such fields of knowledge or study as computer hardware, computer software, computer engineering, information systems, and robotics;

''(2) the term 'eligible student' means a student who—

''(A) is a citizen of the United States;

''(B) is selected by the managing agent to receive a scholarship;

''(C) is enrolled full-time in an institution of higher education, other than a United States service academy; and

"(D) has shown a commitment to and is pursuing a major in studies leading to a baccalaureate, masters, or doctoral degree (or a combination thereof) in physical, life, or computer sciences, mathematics, or engineering;

"(3) the term 'engineering' means the science by which the properties of matter and the sources of energy in nature are made useful to humanity in structures, machines, and products, as in the construction of engines, bridges, buildings, mines, and chemical plants, including such fields of knowledge or study as aeronautical engineering, chemical engineering, civil engineering, electrical engineering, industrial engineering, materials engineering, manufacturing engineering, and mechanical engineering;

"(4) the term 'life sciences' means the branch of knowledge or study of living things, including such fields of knowledge or study as biology, biochemistry, biophysics, microbiology, genetics, physiology, botany, zoology, ecology, and behavioral biology, except that the term does not encompass the health professions;

"(5) the term 'managing agent' means an entity to which an award is made under subsection (c)

to manage a program of Mathematics and Science Honors Scholarships;

"(6) the term 'mathematics' means the branch of knowledge or study of numbers and the systematic treatment of magnitude, relationships between figures and forms, and relations between quantities expressed symbolically, including such fields of knowledge or study as statistics, applied mathematics, and operations research; and

"(7) the term 'physical sciences' means the branch of knowledge or study of the material universe, including such fields of knowledge or study as astronomy, atmospheric sciences, chemistry, earth sciences, ocean sciences, physics, and planetary sciences.

"(c) AWARD.—

"(1)(A) From funds appropriated under section 419F to carry out this section, the Secretary is authorized, through a grant or cooperative agreement, to make an award to a private, non-profit organization, other than an institution of higher education or system of institutions of higher education, to manage, through a public and private partnership, a program of Mathematics and Science Honors Scholarships under this section.

1 "(B) The award under subparagraph (A) shall
2 be for a five-year period.
3 "(2)(A) One hundred percent of the funds
4 awarded under paragraph (1)(A) for any fiscal year
5 shall be obligated and expended solely on scholar-
6 ships to eligible students.
7 "(B) No Federal funds shall be used to provide
8 more than 50 percent of the cost of any scholarship
9 to an eligible student.
10 "(3)(A) The Secretary may establish—
11 "(i) eligibility criteria for applicants for
12 managing agent, including criteria regarding fi-
13 nancial and administrative capability; and
14 "(ii) operational standards for the man-
15 aging agent, including management and per-
16 formance requirements, such as audit, record-
17 keeping, record retention, and reporting proce-
18 dures and requirements.
19 "(B) The Secretary, as necessary, may review
20 and revise any criteria, standards, and rules estab-
21 lished under this paragraph and, through the agree-
22 ment with the managing agent, see that any revi-
23 sions are implemented.

"(4) If the managing agent fails to meet the requirements of this section the Secretary may terminate the award to the managing agent.

"(5) The Secretary shall conduct outreach efforts to help raise awareness of the Mathematics and Science Honors Scholarships.

"(d) DUTIES OF THE MANAGING AGENT.—The managing agent shall—

"(1) develop criteria to award Mathematics and Science Honors Scholarships based on established measurements available to secondary students who wish to pursue degrees in physical, life, or computer sciences, mathematics, or engineering;

"(2) establish a Mathematics and Science Honors Scholarship Fund in a separate, named account that clearly discloses the amount of Federal and non-Federal funds deposited in the account and used for scholarships under this section;

"(3) solicit funds for scholarships and for the administration of the program from non-Federal sources;

"(4) solicit applicants for scholarships;

"(5) from the amounts in the Fund, award scholarships to eligible students and transfer such

1 funds to the institutions of higher education that
2 they attend;
3 ''(6) annually submit to the Secretary a finan-
4 cial audit and a report on the progress of the pro-
5 gram, and such other documents as the Secretary
6 may require to determine the effective management
7 of the program; and
8 ''(7) shall not develop a criteria that discrimi-
9 nates against a student based on the type of pro-
10 gram in which the student completed his or her sec-
11 ondary education.
12 ''(e) APPLICATIONS.—
13 ''(1) Any eligible entity that desires to be the
14 managing agent under this section shall submit an
15 application to the Secretary, in such form and con-
16 taining such information, as the Secretary may re-
17 quire.
18 ''(2) Each application shall include a descrip-
19 tion of—
20 ''(A) how the applicant meets or will meet
21 requirements established under subsections
22 (c)(3)(A) and (d);
23 ''(B) how the applicant will solicit funds
24 for scholarships and for the administration of
25 the program from non-Federal sources;

"(C) how the applicant will provide nationwide outreach to inform students about the program and to encourage students to pursue degrees in physical, life, or computer sciences, mathematics, or engineering;

"(D) how the applicant will solicit applications for scholarships, including how the applicant will balance efforts in urban and rural areas;

"(E) the selection criteria based on established measurements available to secondary students the applicant will use to award scholarships and to renew those awards;

"(F) how the applicant will inform the institution of higher education chosen by the recipient of the name and scholarship amount of the recipient;

"(G) what procedures and assurances the applicant and the institution of higher education that the recipient attends will use to verify student eligibility, attendance, degree progress, and academic performance and to deliver and account for payments to such institution;

"(H) the management (including audit and accounting) procedures the applicant will use for the program;

"(I) the human, financial, and other resources that the applicant will need and use to manage the program;

"(J) how the applicant will evaluate the program and report to the Secretary annually; and

"(K) a description of how the entity will coordinate with, complement, and build on similar public and private mathematics and science programs.

"(f) SCHOLARSHIP RECIPIENTS.—

"(1) A student receiving a scholarship under this section shall be known as a Byrd Mathematics and Science Honors Scholar.

"(2) Any student desiring to receive a scholarship under this section shall submit an application to the managing agent in such form, and containing such information, as the managing agent may require.

"(3) Any student that receives a scholarship under this section shall enter into an agreement with the managing agent to complete 5 consecutive years

of service in a full-time position related to the field in which the student obtained his or her undergraduate degree, to begin no later than 12 months following the later of—

"(A) the completion of the student's undergraduate degree program; or

"(B) the completion of a graduate degree program in a field related to the field in which the student obtained his or her undergraduate degree.

"(4) If any student that receives a scholarship under this section fails to earn at least a baccalaureate degree in physical, life, or computer sciences, mathematics, or engineering as defined under this section, the student shall repay to the managing agent the amount of any financial assistance paid to such student.

"(5) If any student that receives a scholarship under this section fails to meet the requirements of paragraph (3), the student shall repay to the managing agent the amount of any financial assistance paid to such student.

"(6)(A) Scholarships shall be awarded for only one academic year of study at a time.

"(B)(i) A scholarship shall be renewable on an annual basis for the established length of the academic program if the student awarded the scholarship remains eligible.

"(ii) The managing agent may condition renewal of a scholarship on measures of academic progress and achievement, with the approval of the Secretary.

"(C)(i) If a student fails to either remain eligible or meet established measures of academic progress and achievement, the managing agent shall instruct the student's institution of higher education to suspend payment of the student's scholarship.

"(ii) A suspension of payment shall remain in effect until the student is able to demonstrate to the satisfaction of the managing agent that he or she is again eligible and meets the established measures of academic progress and achievement.

"(iii) A student's eligibility for a scholarship shall be terminated if a suspension period exceeds 12 months.

"(D)(i)(I) A student awarded a scholarship may, in a manner and under the terms established by, and with the approval of, the managing agent,

1 postpone or interrupt his or her enrollment at an in-
2 stitution of higher education for up to 12 months.
3 "(II) Such a postponement or interruption shall
4 not be considered a suspension for purposes of sub-
5 paragraph (C).
6 "(ii) Neither a student nor the student's insti-
7 tution of higher education shall receive the student's
8 scholarship payments during the period of postpone-
9 ment or interruption, but such payments shall re-
10 sume upon enrollment or reenrollment.
11 "(iii) In exceptional circumstances, such as seri-
12 ous injury or illness or the necessity to care for fam-
13 ily members, the student's postponement or inter-
14 ruption may, upon notification and approval of the
15 managing agent, be extended beyond the 12 month
16 period described in clause (i)(I).
17 "(g) RESPONSIBILITIES OF INSTITUTION OF HIGHER
18 EDUCATION.—
19 "(1) The managing agent shall require any in-
20 stitution of higher education that enrolls a student
21 who receives a scholarship under this section to an-
22 nually provide an assurance, prior to making any
23 payment, that the student—
24 "(A) is eligible in accordance with sub-
25 section (b)(2); and

"(B) has provided the institution with a written commitment to attend, or is attending, classes and is satisfactorily meeting the institution's academic criteria for enrollment in its program of study.

"(2)(A) The managing agent shall provide the institution of higher education with payments from the Fund for selected recipients in at least two installments.

"(B) If a recipient declines a scholarship, does not attend courses, transfers to another institution of higher education, or becomes ineligible for a scholarship, an institution of higher education shall return prorated amounts of any scholarship payment to that recipient to the managing agent, who shall deposit it in to the Fund.

"SEC. 419B. MATHEMATICS AND SCIENCE INCENTIVE PROGRAM.

"(a) PROGRAM.—

"(1) IN GENERAL.—The Secretary is authorized to carry out a program of assuming the obligation to pay, pursuant to the provisions of this section, the interest on a loan made, insured, or guaranteed under part B or D of this title.

"(2) ELIGIBILITY.—The Secretary may assume interest payments under paragraph (1) only for a borrower who—

"(A) has submitted an application in compliance with subsection (d);

"(B) obtained one or more loans described in paragraph (1) as an undergraduate student;

"(C) is a new borrower (within the meaning of section 103(7) of this Act) on or after the date of enactment of the College Opportunity and Affordability Act of 2008;

"(D) is a highly qualified teacher (as defined in section 9101 of the Elementary and Secondary Education Act of 1965) of science, technology, engineering or mathematics at an elementary or secondary school in a high need local educational agency, or is a mathematics, science, or engineering professional; and

"(E) enters into an agreement with the Secretary to complete 5 consecutive years of service in a position described in subparagraph (D), starting on the date of the agreement.

"(3) PRIOR INTEREST LIMITATIONS.—The Secretary shall not make any payments for interest that—

"(A) accrues prior to the beginning of the repayment period on a loan in the case of a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan; or

"(B) has accrued prior to the signing of an agreement under paragraph (2)(E).

"(4) INITIAL SELECTION.—In selecting participants for the program under this section, the Secretary—

"(A) shall choose among eligible applicants on the basis of—

"(i) the national security, homeland security, and economic security needs of the United States, as determined by the Secretary, in consultation with other Federal agencies, including the Departments of Labor, Defense, Homeland Security, Commerce, and Energy, the Central Intelligence Agency, and the National Science Foundation; and

"(ii) the academic record or job performance of the applicant; and

"(B) may choose among eligible applicants on the basis of—

"(i) the likelihood of the applicant to complete the 5-year service obligation;

"(ii) the likelihood of the applicant to remain in science, mathematics, or engineering after the completion of the service requirement; or

"(iii) other relevant criteria determined by the Secretary.

"(5) AVAILABILITY SUBJECT TO APPROPRIATIONS.—Loan interest payments under this section shall be subject to the availability of appropriations. If the amount appropriated for any fiscal year is not sufficient to provide interest payments on behalf of all qualified applicants, the Secretary shall give priority to those individuals on whose behalf interest payments were made during the preceding fiscal year.

"(6) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

"(b) DURATION AND AMOUNT OF INTEREST PAYMENTS.—The period during which the Secretary shall pay interest on behalf of a student borrower who is selected under subsection (a) is the period that begins on the effective date of the agreement under subsection (a)(2)(E),

1 continues after successful completion of the service obliga-
2 tion, and ends on the earlier of—

3 "(1) the completion of the repayment period of
4 the loan;

5 "(2) payment by the Secretary of a total of
6 $5,000 on behalf of the borrower;

7 "(3) if the borrower ceases to fulfill the service
8 obligation under such agreement prior to the end of
9 the 5-year period, as soon as the borrower is deter-
10 mined to have ceased to fulfill such obligation in ac-
11 cordance with regulations of the Secretary; or

12 "(4) 6 months after the end of any calendar
13 year in which the borrower's gross income equals or
14 exceeds 4 times the national per capita disposable
15 personal income (current dollars) for such calendar
16 year, as determined on the basis of the National In-
17 come and Product Accounts Tables of the Bureau of
18 Economic Analysis of the Department of Commerce,
19 as determined in accordance with regulations pre-
20 scribed by the Secretary.

21 "(c) REPAYMENT TO ELIGIBLE LENDERS.—Subject
22 to the regulations prescribed by the Secretary by regula-
23 tion under subsection (a)(6), the Secretary shall pay to
24 each eligible lender or holder for each payment period the

amount of the interest that accrues on a loan of a student borrower who is selected under subsection (a).

"(d) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan interest payment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—Such application shall contain an agreement by the individual that, if the individual fails to complete the 5 consecutive years of service required by subsection (a)(2)(E), the individual agrees to repay the Secretary the amount of any interest paid by the Secretary on behalf of the individual.

"(e) TREATMENT OF CONSOLIDATION LOANS.—A consolidation loan made under section 428C of this Act, or a Federal Direct Consolidation Loan made under part D of title IV of this Act, may be a qualified loan for the purpose of this section only to the extent that such loan amount was used by a borrower who otherwise meets the requirements of this section to repay—

"(1) a loan made under section 428 or 428H of this Act; or

"(2) a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, made under part D of title IV of this Act.

"(f) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and—

"(1) any loan forgiveness program under title IV of this Act; or

"(2) subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'high need local educational agency' has the same meaning given such term in section 200; and

"(2) the term 'mathematics, science, or engineering professional' means a person who—

"(A) holds a baccalaureate, masters, or doctoral degree (or a combination thereof) in science, mathematics, or engineering; and

"(B) works in a field the Secretary determines is closely related to that degree, which shall include working as a professor at a two- or four-year institution of higher education.

"SEC. 419C. FOREIGN LANGUAGE PARTNERSHIPS.

"(a) PURPOSE.—The purpose of this section is to increase the number of highly qualified teachers in, and the number of United States' students who achieve the highest level of proficiency in, foreign languages critical to the security and competitiveness of the Nation.

"(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to institutions of higher education, in partnership with one or more local educational agencies, to establish teacher preparation programs in critical foreign languages, and activities that will enable successful students to advance from elementary school through college to achieve proficiency in those languages.

"(c) APPLICATIONS.—

"(1) APPLICATION REQUIRED.—Any institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—Each Application shall—

"(A) identify each local educational agency partner and describe each such partner's responsibilities (including how they will be involved in planning and implementing the program, what resources they will provide, and how

they will ensure continuity of student progress from elementary school to the postsecondary level); and

"(B) describe how the applicant will support and continue the program after the grant has expired, including how it will seek support from other sources, such as State and local government, foundations, and the private sector.

"(d) USES OF FUNDS.—Funds awarded under this section shall be used to develop and implement programs consistent with the purpose of this section by carrying out one or more of the following activities:

"(1) To recruit highly qualified teachers in critical foreign languages and professional development activities for such teachers at the elementary through high school level.

"(2) To provide innovative opportunities for students that will allow for critical language learning, such as immersion environments, intensive study opportunities, internships, and distance learning.

"(e) MATCHING REQUIREMENT.—Each grantee under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the

1 grant (in cash or in kind) to carry out the activities sup-
2 ported by the grant.

3 "(f) EVALUATION.—The Secretary shall evaluate the
4 activities funded under this section and report the results
5 of the evaluation to the appropriate Committees of Con-
6 gress.

7 "(g) REPORT ON BEST PRACTICES.—Within one year
8 after the date of enactment of this section, the Secretary
9 shall—

10 "(1) conduct a study to identify the best prac-
11 tices to strengthen the role of institutions that re-
12 ceive funding under title III or title V in increasing
13 America's critical foreign language education efforts;
14 and

15 "(2) submit a report on the results of such
16 study to the authorizing committees.

17 **"SEC. 419D. ADJUNCT TEACHER CORPS.**

18 "(a) PURPOSE.—The purpose of this section is to cre-
19 ate opportunities for individuals with subject matter ex-
20 pertise in mathematics, science, and critical foreign lan-
21 guages to provide such subject matter expertise to sec-
22 ondary school students on an adjunct basis.

23 "(b) PROGRAM AUTHORIZED.—The Secretary is au-
24 thorized to award grants to eligible entities to identify, re-
25 cruit, and train individuals with subject matter expertise

in mathematics, science, and critical foreign languages to serve as adjunct content specialists.

"(c) DURATION OF GRANTS.—The Secretary may award grants under this section for a period of not more than 5 years.

"(d) ELIGIBLE ENTITY.—For the purpose of this section, an eligible entity is—

"(1) a local educational agency; or

"(2) a partnership consisting of a local educational agency, serving as a fiscal agent, and a public or private educational organization or business.

"(e) USES OF FUNDS.—An eligible entity that receives a grant under this section is authorized to use such grant to carry out one or both of the following activities:

"(1) To develop the capacity of the eligible entity to identify, recruit, and train individuals with subject matter expertise in mathematics, science, and critical foreign languages who are not employed in the elementary and secondary education system (including individuals in business and government, and individuals who would participate through distance-learning arrangements) to become adjunct content specialists.

"(2) To provide pre-service training and ongoing professional development to adjunct content specialists.

"(f) APPLICATIONS.—

"(1) APPLICATION REQUIRED.—To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary requires.

"(2) CONTENTS.—Such application shall include a description of—

"(A) the need for, and expected benefits of using, adjunct content specialists in the schools of the local educational agency, which may include information on the difficulty the local educational agency faces in recruiting qualified faculty in mathematics, science, and critical foreign language courses;

"(B) measurable objectives for the activities supported by the grant, including the number of adjunct content specialists the eligible entity intends to place in schools and classrooms, and the gains in academic achievement expected as a result of the addition of such specialists;

"(C) how the eligible entity will establish criteria for and recruit the most qualified individuals and public or private organizations and businesses to participate in the activities supported by the grant;

"(D) how the eligible entity will provide pre-service training and on-going professional development to adjunct content specialists to ensure that such specialists have the capacity to serve effectively;

"(E) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of the activities supported by the grant;

"(F) how the eligible entity will support and continue the activities supported by the grant after the grant has expired, including how such entity will seek support from other sources, such as State and local government and the private sector; and

"(G) an assurance that the use of adjunct content specialists will not result in the displacement or transfer of currently employed teachers nor a reduction in the number of overall teachers in the district.

"(g) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that demonstrate in the application for such a grant a plan to—

"(1) serve the schools of the local educational agency that have a large number or percentage of students performing below grade level in mathematics, science, or critical foreign language courses;

"(2) serve local educational agencies that have a large number or percentage of students from families with incomes below the poverty line (as such term is defined in section 200); and

"(3) recruit and train individuals to serve as adjunct content specialists in schools that have an insufficient number of teachers in mathematics, science, or critical foreign languages.

"(h) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of such grant (in cash or in kind) to carry out the activities supported by such grant.

"(i) PERFORMANCE REPORT.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary a final report on the results of the activities supported by such grant, which shall contain

such information as the Secretary may require, including any improvements in student academic achievement as a result of the use of adjunct content specialists.

"(j) EVALUATION.—The Secretary shall evaluate the activities supported by grants under this section, including the impact of such activities on student academic achievement, and shall report the results of such evaluation to the authorizing committees.

"(k) DEFINITION.—In this section the term 'adjunct content specialist' means an individual who—

"(1) meets the requirements of section 9101(23)(B)(ii) of the Elementary and Secondary Education Act of 1965;

"(2) has demonstrated expertise in mathematics, science, or a critical foreign language, as determined by the local educational agency; and

"(3) may not be the primary provider of instructional services to a student unless the adjunct content specialist is under the direct supervision of a teacher who meets the requirements of Section 9101(23) of such Act.

"SEC. 419E. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $50,000,000 for fiscal year 2009 and such

sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 409. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended by striking ''$10,000'' and inserting ''$30,000''.

(b) ELIGIBLE INSTITUTIONS.—Section 419N(b)(4) is amended by striking ''$350,000'' and inserting ''$250,000''.

(c) INCOME ELIGIBILITY.—Section 419N(b)(7) is amended by striking ''who is eligible to receive'' and inserting ''whose income qualifies for eligibility for''.

(d) PUBLICITY.—Section 419N(b) is further amended by adding at the end the following new paragraph:

''(8) PUBLICITY.—The Secretary shall publicize the availability of grants under this section in appropriate periodicals in addition to publication in the Federal Register, and shall inform appropriate educational organizations of such availability.''.

(e) REPORTING REQUIREMENTS.—Section 419N(e) is amended—

(1) in paragraph (1)(A), by striking ''18 months,'' and all that follows through the end thereof and inserting ''annually.''; and

(2) in paragraph (2)—

(A) by striking ''the third annual grant payment'' and inserting ''continuation awards''; and

(B) by striking ''the 18-month report'' and inserting ''the reports''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

SEC. 410. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

SEC. 411. TEACH GRANTS.

Subpart 9 of part A of title IV is amended—

(1) in section 420L(1)(B), by striking ''sound'' and inserting ''responsible'';

(2) in section 420M—

(A) by striking ''academic year'' each place it appears in subsections (a)(1) and (c)(1) and inserting ''year''; and

(B) in subsection (c)(2)—

(i) by striking ''other student assistance'' and inserting ''other assistance the student may receive''; and

(ii) by striking the second sentence;

(3) in section 420N—

(A) in subsection (b)—

(i) in paragraph (1)(E), by striking ''and'' after the semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(3) contains, or is accompanied by, a plain-language disclosure form developed by the Secretary that clearly describes the nature of the TEACH Grant award, the service obligation, and the loan repayment requirements that are the consequence of the failure to complete the service obligation.''; and

(B) by adding a the end the following new subsection:

''(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—

''(1) CHANGE OF HIGH-NEED DESIGNATION.—In the event that a recipient of an initial grant under this subpart has acquired an academic degree,

or expertise, in a field that was, at the time of the recipient's application for that grant, designated as high-need in accordance with subsection (b)(1)(C)(vii), but is no longer so designated, the grant recipient may fulfill the service obligation described in subsection (b)(1) by teaching in that field.

"(2) EXTENUATING CIRCUMSTANCES.—The Secretary shall establish, by regulation, categories of extenuating circumstances under which a recipient of a grant under this subpart who is unable to fulfill all or part of his or her service obligation may be excused from fulfilling that portion of the service obligation."; and

(4) by adding at the end the following new section:

"SEC. 420P. PROGRAM EVALUATION.

"The Secretary shall evaluate the effectiveness of TEACH grants with respect to the schools and students served by recipients of such grants.".

PART B—FEDERAL FAMILY EDUCATION LOANS

SEC. 421. LIMITATIONS ON AMOUNTS OF LOANS COVERED BY FEDERAL INSURANCE.

Section 424(a) (20 U.S.C. 1074(a)) is amended—

(1) by striking "2012" and inserting "2013"; and

(2) by striking ''2016'' and inserting ''2017''.

SEC. 422. FEDERAL INTEREST SUBSIDIES.

Section 428(a)(5) (20 U.S.C. 1078(a)(5)) is amended—

(1) by striking ''2012'' and inserting ''2013''; and

(2) by striking ''2016'' and inserting ''2017''.

SEC. 423. STUDENT LOAN INFORMATION.

Section 428(k) (20 U.S.C. 1078(k)) is amended by adding at the end the following new paragraph:

''(4) STUDENT LOAN INFORMATION.—

''(A) Notwithstanding any other provision of law or regulation, if requested by an institution of higher education or a third party servicer (as defined in section 481(c)) working on behalf of such institution to prevent student loan defaults for borrowers who currently attend or previously attended such institution, a lender, secondary market, holder, or guaranty agency shall provide, free of charge and in a timely and effective manner, any student loan information pertaining to loans made under this title, as determined by the Secretary, to such borrowers maintained by that entity, provided that the information requested is for a borrower

who currently attends or previously attended such institution.

"(B) An institution and any third party servicer obtaining access to information under subparagraph (A), including any subcontractor obtaining access to information under subparagraph (C)(iii), shall safeguard that information—

"(i) as required by any law applicable to the institution, third party servicer, or subcontractor; and

"(ii) at least to the same extent that the disclosing financial institution is required to safeguard its customer information under sections 501 and 505(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801, 6805(b)).

"(C) Any third party servicer that obtains information under this paragraph—

"(i) shall only use the information in a manner directly related to the default prevention work the servicer is performing on behalf of the institution of higher education;

"(ii) shall not sell the information to other entities;

"(iii) shall not share the information with, or transfer the information to, entities other than the borrower, a subcontractor of the third party servicer for purposes of skip tracing, or the institution of higher education referenced in subparagraph (A); and

"(iv) shall be subject to any regulations established by the Secretary pursuant to section 432 concerning the misuse of such information, including any penalties for such misuse.

"(D) Any requirement under subparagraph (A) to provide student loan information shall be considered an applicable legal requirement for the purposes of section 502(e)(8) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)(8)).

"(E) Any subcontractor obtaining access to information under subparagraph (C)(iii) shall meet the same restrictions that apply to third party servicers under subparagraph (C).".

SEC. 424. VOLUNTARY FLEXIBLE AGREEMENTS.

Section 428A(a) (20 U.S.C. 1078–1(a)) is amended by adding at the end the following new paragraph:

"(3) REPORT REQUIRED.—The Secretary, in consultation with the guaranty agencies participating under voluntary flexible agreements, shall report on an annual basis to the authorizing committees regarding the program outcomes that the voluntary flexible agreements have had with respect to program integrity, program and cost efficiencies, delinquency prevention, default aversion, and consumer education programs described in section 433A, and the availability and delivery of student financial aid. Such report shall include—

"(A) a description of each voluntary flexible agreement and the performance goals established by the Secretary for each agreement;

"(B) a list of participating guaranty agencies and the specific statutory or regulatory waivers provided to each guaranty agency and any waivers provided to other guaranty agencies under paragraph (2);

"(C) a description of the standards by which each agency's performance under the agency's voluntary flexible agreement was as-

sessed and the degree to which each agency achieved the performance standards;

"(D) an analysis of the fees paid by the Secretary, and the costs and efficiencies achieved under each voluntary flexible agreement; and

"(E) an identification of promising practices for program improvement that could be replicated by other guaranty agencies.".

SEC. 425. GRACE PERIOD FOR GRADUATE AND PROFESSIONAL STUDENT PLUS LOANS.

(a) AMENDMENT.—Section 428B(d) (20 U.S.C. 1078–2(d)) is amended by amending paragraphs (1) and (2) to read as follows:

"(1) COMMENCEMENT OF REPAYMENT.—Repayment of principal on loans made under this section shall—

"(A) commence not later than—

"(i) in the case of a parent borrower, 60 days after the date such loan is disbursed by the lender; and

"(ii) in the case of a graduate or professional student borrower, commence at the beginning of a repayment period that begins the day after 6 months after the

date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); and

"(B) be subject to deferral during any period during which the graduate or professional student or the parent meets the conditions required for a deferral under section 427(a)(2)(C) or 428(b)(1)(M).

"(2) CAPITALIZATION OF INTEREST.—

"(A) IN GENERAL.—Interest on loans made under this section—

"(i) which accrues prior to the beginning of repayment under paragraph (1)(A)(i), shall be added to the principal amount of the loan; and

"(ii) which accrues during a period in which payments of principal are deferred pursuant to paragraph (1)(B) shall, if agreed upon by the borrower and the lender—

"(I)(aa) be paid monthly or quarterly; or

"(bb) be added to the principal amount of the loan not more frequently than quarterly by the lender.

"(B) INSURABLE LIMITS.—Capitalization of interest under this paragraph shall not be deemed to exceed the annual insurable limit on account of the borrower.".

(b) CONFORMING AMENDMENT.—Section 428(b)(7)(C) (20 U.S.C. 1078(b)(7)(C)) is amended by striking ", 428B,".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for loans issued on or after July 1, 2008.

SEC. 426. CONSOLIDATION LOAN DISCLOSURE.

Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) that the lender will disclose, in a clear and conspicuous manner, to borrowers who seek to consolidate loans made under part E of this title—

"(i) that once the borrower adds a Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;

"(ii) that the borrower will no longer be eligible for loan cancellation of Federal Perkins Loans under any provision of section 465; and

"(iii) in detail the occupations listed in section 465 for which the borrower will lose eligibility for Federal Perkins Loan cancellation;".

SEC. 427. EXTENSION OF CONSOLIDATION LOAN AUTHORITY.

Section 428C(e) (20 U.S.C. 1078–3(c)) is amended by striking "2012" and inserting "2013".

SEC. 428. REQUIREMENTS FOR DISBURSEMENT OF STUDENT LOANS.

(a) SPECIAL RULE.—Section 428G(a) (20 U.S.C. 1078–7(a)) is amended by adding at the end the following new paragraph:

"(4) AMENDMENT TO SPECIAL RULE.—Beginning on October 1, 2011, the special rule under paragraph (3) shall be applied by substituting '15 percent' for '10 percent'.".

(b) REQUIREMENTS FOR DISBURSEMENTS TO FIRST YEAR STUDENTS.—Section 428G(b) (20 U.S.C. 1078–7(b)) is amended by adding at the end the following new paragraph:

"(3) AMENDMENT TO COHORT DEFAULT RATE EXEMPTION.—Beginning on October 1, 2011, the exemption to the requirements of paragraph (1) in the second sentence of such paragraph shall be applied by substituting '15 percent' for '10 percent'.".

SEC. 429. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078–11) is amended to read as follows:

"SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

"(a) PROGRAM AUTHORIZED.—

"(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c) who—

"(A) is employed full-time in an area of national need described in subsection (b); and

"(B) is not in default on a loan for which the borrower seeks forgiveness.

"(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

"(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part (other than an excepted PLUS loan (as such term is defined in section 493C(a))); and

"(B) to cancel a qualified loan amount for a loan made under part D of this title (other than such an excepted PLUS loan).

"(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(b) AREAS OF NATIONAL NEED.—For purposes of this section, an individual shall be treated as employed in

1 an area of national need if the individual is employed full-
2 time as any of the following:
3 "(1) EARLY CHILDHOOD EDUCATORS.—An in-
4 dividual who is employed as an early childhood edu-
5 cator in an eligible preschool program or eligible
6 early childhood education program in a low-income
7 community, and who is involved directly in the care,
8 development, and education of infants, toddlers, or
9 young children age 5 and under.
10 "(2) NURSES.—An individual who is em-
11 ployed—
12 "(A) as a nurse in a clinical setting; or
13 "(B) as a member of the nursing faculty at
14 an accredited school of nursing (as those terms
15 are defined in section 801 of the Public Health
16 Service Act (42 U.S.C. 296)).
17 "(3) FOREIGN LANGUAGE SPECIALISTS.—An
18 individual who has obtained a baccalaureate or ad-
19 vanced degree in a critical foreign language and is
20 employed—
21 "(A) in an elementary or secondary school
22 as a teacher of a critical foreign language;
23 "(B) in an agency of the United States
24 Government in a position that regularly re-

quires the use of such critical foreign language; or

"(C) in an institution of higher education as a faculty member or instructor teaching a critical foreign language.

"(4) LIBRARIANS.—An individual who is employed as a librarian in—

"(A) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

"(B) a high-need school.

"(5) HIGHLY QUALIFIED TEACHERS: SERVING STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT, LOW-INCOME COMMUNITIES, AND UNDERREPRESENTED POPULATIONS.—An individual who—

"(A) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

"(B)(i) is employed as a teacher educating students who are limited English proficient;

"(ii) is employed as a teacher in a high-need school; or

"(iii) is an individual from an underrepresented population in the teaching profession, as determined by the Secretary.

"(6) CHILD WELFARE WORKERS.—An individual who—

"(A) has obtained a degree in social work or a related field with a focus on serving children and families; and

"(B) is employed in public or private child welfare services.

"(7) SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.—An individual who is a speech-language pathologist or audiologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, audiology, or communication sciences and disorders.

"(8) NATIONAL SERVICE.—An individual who is engaged as a participant in a project under the National and Community Service Act of 1990 (as such terms are defined in section 101 of such Act (42 U.S.C. 12511)).

"(9) SCHOOL COUNSELORS.—An individual who is employed as a school counselor (as such term is defined in section 5421(e)(3) of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245(e)(3))) in a high-need school.

"(10) PUBLIC SECTOR EMPLOYEES.—An individual who is employed in public safety (including as a first responder, firefighter, police officer, or other law enforcement or public safety officer), emergency management (including as an emergency medical technician), public health (including full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), or public interest legal services (including prosecution or public defense or legal advocacy in low-income communities at a nonprofit organization).

"(11) NUTRITION PROFESSIONALS.—An individual who—

"(A) is a licensed, certified, or registered dietician who has completed a degree in a relevant field; and

"(B) has obtained employment in an agency of the special supplemental nutrition program for women, infants, and children under

1 section 17 of the Child Nutrition Act of 1966
2 (42 U.S.C. 1786).
3 "(12) MEDICAL SPECIALISTS.—An individual
4 who—
5 "(A) has received his or her degree from
6 an accredited medical school (as accredited by
7 the Liaison Committee on Medical Education or
8 as defined by this title IV); and
9 "(B)(i) has been accepted to, or currently
10 participates in, a graduate medical education
11 training program or fellowship (or both) to pro-
12 vide health care services (as recognized by the
13 Accreditation Council for Graduate Medical
14 Education); or
15 "(ii) has been accepted to, or currently
16 participates in, a graduate medical education
17 program or fellowship (or both) to provide
18 health care services that—
19 "(I) requires more than 5 years of
20 total graduate medical training; and
21 "(II) has fewer United States medical
22 school graduate applicants than the total
23 number of training and fellowship positions
24 available in the programs specified in sub-
25 clause (I) of this clause.

"(13) MENTAL HEALTH PROFESSIONALS.—Individuals who have at least a master's degree in social work, psychology, or psychiatry and who are providing mental health services to children, adolescents, or veterans.

"(14) DENTISTS.—An individual who—

"(A) has received his or her degree from an accredited dental school (as accredited by the Commission on Dental Accreditation) and has completed residency training in pediatric dentistry, general dentistry, or dental public health; or

"(B) is employed as a member of the faculty at a program or school accredited by the Commission on Dental Accreditation.

"(15) STEM EMPLOYEES.—An individual who is employed in engineering, technology, applied sciences, or mathematics.

"(16) PHYSICAL THERAPISTS.—Individuals who are physical therapists and who are providing physical therapy services to children, adolescents, or veterans.

"(17) SUPERINTENDENTS, PRINCIPALS, AND OTHER ADMINISTRATORS.—Individuals who are school superintendents, principals, or other adminis-

1 trators for 5 consecutive complete school years in a
2 school district of a local educational agency in which
3 30 percent or more of the schools are schools that
4 qualify under section 465(a)(2)(A) for loan cancella-
5 tion for Perkins loan recipients who teach in such a
6 school.

7 ''(c) QUALIFIED LOAN AMOUNT.—At the end of each
8 school, academic, or calendar year of full-time employment
9 on or after the date of enactment of the College Oppor-
10 tunity and Affordability Act of 2008 in an area of national
11 need described in subsection (b), not to exceed 5 years,
12 the Secretary shall forgive not more than $2,000 of the
13 student loan obligation of a borrower that is outstanding
14 after the completion of each such school, academic, or cal-
15 endar year of employment, as appropriate, not to exceed
16 $10,000 in the aggregate for any borrower.

17 ''(d) PRIORITY.—The Secretary shall grant loan for-
18 giveness under this section on a first-come, first-served
19 basis, and subject to the availability of appropriations.

20 ''(e) CONSTRUCTION.—Nothing in this section shall
21 be construed to authorize the refunding of any repayment
22 of a loan.

23 ''(f) SEGAL AMERICORPS EDUCATION AWARD AND
24 NATIONAL SERVICE AWARD RECIPIENTS.—A student bor-
25 rower who qualifies for the maximum education award

1 under subtitle D of title I of the National and Community
2 Service Act of 1990 (42 U.S.C. 12601 et seq.) shall re-
3 ceive under this section the amount, if any, by which the
4 maximum benefit available under this section exceeds the
5 maximum education award available under such subtitle.
6 "(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No
7 borrower may receive a reduction of loan obligations under
8 both this section and section 428J or 460.
9 "(h) DEFINITIONS.—In this section:
10 "(1) AUDIOLOGIST.—The term 'audiologist'
11 means an individual who—
12 "(A) has received, at a minimum, a grad-
13 uate degree in audiology from an institution of
14 higher education accredited by an agency or as-
15 sociation recognized by the Secretary pursuant
16 to section 496(a) of this Act; and
17 "(B) provides audiology services under
18 subsection (ll)(2) of section 1861 of the Social
19 Security Act (42 U.S.C. 1395x(ll)(2)), or meets
20 or exceeds the qualifications for a qualified au-
21 diologist under subsection (ll)(4) of such section
22 (42 U.S.C. 1395x(ll)(4)).
23 "(2) EARLY CHILDHOOD EDUCATOR.—The
24 term 'early childhood educator' means an early
25 childhood educator who works directly with children

in an eligible preschool program or eligible early childhood education program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.

"(3) ELIGIBLE PRESCHOOL PROGRAM.—The term 'eligible preschool program' means a program that provides for the care, development, and education of infants, toddlers, or young children age 5 and under, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

"(A) a public or private school that is supported, sponsored, supervised, or administered by a local educational agency;

"(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) a nonprofit or community based organization; or

"(D) a child care program, including a home.

"(4) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'eligible early childhood education program' means—

"(A) a family child care program, center-based child care program, State prekindergarten program, school program, or other out-of-home early childhood development care program, that—

"(i) is licensed or regulated by the State; and

"(ii) serves 2 or more unrelated children who are not old enough to attend kindergarten;

"(B) a Head Start Program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); or

"(C) an Early Head Start Program carried out under section 645A of the Head Start Act (42 U.S.C. 9840a).

"(5) LOW-INCOME COMMUNITY.—The term 'low-income community' means a school attendance area (as defined in section 1113(a)(2)(A) of the Elementary and Secondary Education Act of 1965)—

"(A) in which 70 percent of households earn less than 85 percent of the State median household income; or

"(B) that includes a high-need school.

1 "(6) PHYSICAL THERAPIST.—The term 'phys-
2 ical therapist' means an individual who—
3 "(A) has received, at a minimum, a grad-
4 uate degree in physical therapy from an institu-
5 tion of higher education accredited by an agen-
6 cy or association recognized by the Secretary
7 pursuant to section 496(a) of this Act; and
8 "(B) provides physical therapy services
9 under 1861(p) of the Social Security Act (42
10 U.S.C. 1395x(p), or meets or exceeds the quali-
11 fications for a qualified physical therapist as de-
12 termined by State law.
13 "(7) NURSE.—The term 'nurse' means a nurse
14 who meets all of the following:
15 "(A) The nurse graduated from—
16 "(i) an accredited school of nursing
17 (as those terms are defined in section 801
18 of the Public Health Service Act (42
19 U.S.C. 296));
20 "(ii) a nursing center; or
21 "(iii) an academic health center that
22 provides nurse training.
23 "(B) The nurse holds a valid and unre-
24 stricted license to practice nursing in the State

in which the nurse practices in a clinical setting.

"(C) The nurse holds one or more of the following:

"(i) A graduate degree in nursing, or an equivalent degree.

"(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(8) SPEECH-LANGUAGE PATHOLOGIST.—The term 'speech-language pathologist' means a speech-language pathologist who—

"(A) has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an

1 agency or association recognized by the Sec-
2 retary pursuant to section 496(a) of this Act;
3 and
4 ''(B) provides speech-language pathology
5 services under section 1861(ll)(1) of the Social
6 Security Act (42 U.S.C. 1395x(ll)(1)), or meets
7 or exceeds the qualifications for a qualified
8 speech-language pathologist under subsection
9 (ll)(3) of such section (42 U.S.C. 1395x(ll)(3)).
10 ''(i) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 such sums as may be necessary for fiscal year 2009 and
13 each of the 4 succeeding fiscal years to provide loan for-
14 giveness in accordance with this section.''.

15 **SEC. 430. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE**
16 **ATTORNEYS.**

17 Part B of title IV (20 U.S.C. 1071 et seq.) is amend-
18 ed by inserting after section 428K the following new sec-
19 tion:

20 **''SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSIST-**
21 **ANCE ATTORNEYS.**

22 ''(a) PURPOSE.—The purpose of this section is to en-
23 courage qualified individuals to enter and continue em-
24 ployment as civil legal assistance attorneys.
25 ''(b) DEFINITIONS.—In this section:

"(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

"(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

"(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

"(C) is continually licensed to practice law.

"(2) STUDENT LOAN.—The term 'student loan' means—

"(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

"(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

"(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

"(ii) a loan made under section 428, 428B, or 428H; or

"(iii) a loan made under part E.

1 "(c) PROGRAM AUTHORIZED.—The Secretary shall
2 carry out a program of assuming the obligation to repay
3 a student loan, by direct payments on behalf of a borrower
4 to the holder or the Secretary in the case of a loan under
5 part D or E of such loan, in accordance with subsection
6 (d), for any borrower who—
7 "(1) is employed as a civil legal assistance at-
8 torney; and
9 "(2) is not in default on a loan for which the
10 borrower seeks repayment.
11 "(d) TERMS OF AGREEMENT.—
12 "(1) IN GENERAL.—To be eligible to receive re-
13 payment benefits under subsection (c), a borrower
14 shall enter into a written agreement with the Sec-
15 retary that specifies that—
16 "(A) the borrower will remain employed as
17 a civil legal assistance attorney for a required
18 period of service of not less than 3 years, unless
19 involuntarily separated from that employment;
20 "(B) if the borrower is involuntarily sepa-
21 rated from employment on account of mis-
22 conduct, or voluntarily separates from employ-
23 ment, before the end of the period specified in
24 the agreement, the borrower will repay the Sec-

retary the amount of any benefits received by such employee under this agreement;

"(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

"(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

"(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

"(2) REPAYMENTS.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

"(i) $6,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $40,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an

agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may specify that, notwithstanding subsection (d)(1)(A), the required period of service during which the borrower will remain employed as a civil legal assistance attorney may be less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

"(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such

practice, has served as a civil legal assistance attorney;

"(B) received repayment benefits under this section during the preceding fiscal year; and

"(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 431. LOAN FORGIVENESS FOR VOLUNTEER MENTORING.

Part B of title IV is further amended by inserting after section 428L (as added by the preceding section) the following new section:

"SEC. 428M. LOAN FORGIVENESS FOR VOLUNTEER MENTORING.

"(a) PROGRAM AUTHORIZED.—

"(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c) who—

"(A) commits to volunteering as a mentor for a period of at least one school year as described in subsection (b);

"(B) attends a recognized community college; and

"(C) is not in default on a loan for which the borrower seeks forgiveness.

"(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

"(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part (other than an excepted PLUS loan (as such term is defined in section 493C(a))); and

"(B) to cancel a qualified loan amount for a loan made under part D of this title (other than such an excepted PLUS loan).

"(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(b) VOLUNTEER MENTORING.—For purposes of this section, an individual shall be treated as participating in a volunteer mentoring program if they commit to mentoring an at-risk child for a period of not less than one school year.

"(c) QUALIFIED LOAN AMOUNT.—At the end of each school, academic, or calendar year of volunteering as a mentor on or after the date of enactment of the College Opportunity and Affordability Act of 2007 as described in subsection (b), not to exceed 5 years, the Secretary shall forgive $10 of the student loan obligation of a borrower that is outstanding after the completion of each such school, academic, or calendar year of employment, for every hour of mentoring committed, not to exceed $10,000 in the aggregate for any borrower.

"(d) PRIORITY.— The Secretary shall grant loan forgiveness under this section on a first-come, first-served basis, and subject to the availability of appropriations.".

SEC. 432. SETTLEMENT OF CLAIMS.

Section 432(b) (20 U.S.C. 1082(b)) is amended by adding at the end the following: "The Secretary may not enter into any settlement of any claim under this Act that

exceeds $1,000,000 unless the Secretary has asked the Attorney General to review the settlement agreement and issue an opinion to the Secretary and the authorizing committees related to such proposed settlement.''.

SEC. 433. DELINQUENCY PREVENTION, DEFAULT AVERSION, AND CONSUMER EDUCATION INFORMATION PROGRAMS.

Part B of title IV is further amended by inserting after section 433 (20 U.S.C. 1083) the following new section:

''SEC. 433A. DELINQUENCY PREVENTION, DEFAULT AVERSION, AND CONSUMER EDUCATION INFORMATION PROGRAMS.

''(a) GUARANTY AGENCY DUTY.—Each guaranty agency, with respect to loans insured by the agency, shall develop specific programs designed to prevent delinquencies and avert defaults.

''(b) TRAINING FOR STUDENTS AND FAMILIES.—Each guaranty agency, after consulting with institutions of higher education (including institutions of higher education participating in the William Ford Direct Loan Program), shall develop and make available high quality educational programs and materials to provide training for students and families in budgeting and financial management, including debt management and other aspects of fi-

nancial literacy, such as the cost of using high interest loans to pay for postsecondary education. Such programs and materials shall address budgeting and financial management relating to student loans, and shall be made available to students and families, in a form and language that is understandable, before, during, and after the students' enrollment.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit—

"(1) a guaranty agency from using activities, programs, and materials existing on the date of enactment of this section in meeting the requirements of this section; or

"(2) a lender or loan servicer from providing outreach or financial aid literacy information in accordance with subsection (b).".

SEC. 434. DEFINITION OF ELIGIBLE INSTITUTION: PARTICIPATION RATE INDEX.

(a) AMENDMENTS.—Section 435(a) (20 U.S.C. 1085(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by striking "paragraph (4)" and inserting "paragraph (5)"; and

(B) in subparagraph (B)—

(i) by striking ''and'' at the end of clause (ii); and

(ii) by striking clause (iii) and inserting the following new clauses:

''(iii) 25 percent for fiscal year 1994 through fiscal year 2011; and

''(iv) 30 percent for fiscal year 2012 and any succeeding fiscal year.'';

(2) by redesignating paragraph (6) as paragraph (8), and redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(3) by inserting after paragraph (2) the following new paragraph:

''(3) APPEALS FOR REGULATORY RELIEF.—An institution whose cohort default rate, calculated in accordance with subsection (m), is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) of this subsection, for two consecutive fiscal years may, within 30 days of receiving notification from the Secretary, file an appeal demonstrating exceptional mitigating circumstances, as defined in paragraph (5). The Secretary shall issue a decision on any such appeal within 45 days after its submission. If the Secretary determines that the institution demonstrates exceptional mitigating cir-

cumstances, the Secretary shall not subject the institution to provisional certification based solely on the institution's cohort default rate.'';

(4) in paragraph (5)(A) (as redesignated by paragraph (2) of this subsection), by striking ''For the purposes of paragraph (2)(A)(ii)'' and all that follows through ''following criteria:'', and inserting ''For purposes of this subsection, an institution of higher education shall be treated as having exceptional mitigating circumstances that make application of paragraph (2) inequitable, and that provide for regulatory relief under paragraph (3), if such institution, in the opinion of an independent auditor, meets the following criteria:'';

(5) by inserting after paragraph (6) (as redesignated by paragraph (2) of this subsection) the following new paragraph:

''(7) DEFAULT PREVENTION AND ASSESSMENT OF ELIGIBILITY BASED ON HIGH DEFAULT RATES.—

''(A) FIRST YEAR.—(i) An institution whose cohort default rate is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) in any fiscal year shall establish a default prevention task force to prepare a plan to—

"(I) identify the factors causing the institution's cohort default rate to exceed such threshold;

"(II) establish measurable objectives to improve the institution's cohort default rate; and

"(III) specify actions that the institution can take to improve student loan repayment, including enhanced use of professional judgment and discretion of student financial aid administrators.

"(ii) Each institution subject to this subparagraph shall submit the plan under clause (i) to the Secretary, who shall review the plan and offer technical assistance to the institution to promote improved student loan repayment.

"(B) SECOND CONSECUTIVE YEAR.—(i) An institution whose cohort default rate is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) for two consecutive fiscal years shall require the institution's default prevention task force established under subparagraph (A) to review and revise the plan

required under such subparagraph, and shall submit such revised plan to the Secretary.

"(ii) The Secretary shall review each revised plan submitted in accordance with this subparagraph, and may direct that such a plan be amended to include actions, with measurable objectives, that the Secretary determines, based on available data and analyses of student loan defaults, will promote student loan repayment.

"(C) COHORT DEFAULT RATES PUBLISHED.—The Secretary shall make available to the public on the College Navigator web site the cohort default rate and the plan of the default prevention task force of each institution that is subject to this paragraph."; and

(6) in paragraph (8)(A) (as redesignated by paragraph (2) of this subsection), by striking "0.0375" and inserting "0.0625".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(6) is effective for fiscal years beginning on or after October 1, 2011.

SEC. 434. DEFINITION OF ELIGIBLE LENDER.

Section 435(d)(1)(A)(ii) (20 U.S.C. 1085(d)(1)(A)(ii)) is amended—

(1) by striking ''part, or (III)'' and inserting ''part, (III)''; and

(2) by inserting before the semicolon at the end the following: '', or (IV) it is a National or State chartered bank with assets of less than $1,000,000,000''.

SEC. 435. COHORT DEFAULT RATES.

(a) AMENDMENTS.—Section 435(m) (20 U.S.C. 1085(m)) is amended—

(1) in the first sentence of paragraph (1)(A), by striking ''end of the following fiscal year'' and inserting ''end of the second fiscal year following the fiscal year in which the students entered repayment'';

(2) in paragraph (1)(B), by striking ''such fiscal year'' and inserting ''such second fiscal year'';

(3) in paragraph (1)(C), by striking ''end of the fiscal year immediately following the year in which they entered repayment'' and inserting ''end of the second fiscal year following the year in which they entered repayment'';

(4) in paragraph (2)(C)—

(A) by striking ''end of such following fiscal year is not considered as in default for the purposes of this subsection'' and inserting ''end

of the second fiscal year following the year in which the loan entered repayment is not considered as in default for purposes of this subsection''; and

(B) by striking ''such fiscal year'' and inserting ''such second fiscal year''; and

(5) in paragraph (4)—

(A) by amending the header to read as follows: ''COLLECTION AND REPORTING OF COHORT DEFAULT RATES AND LIFE OF COHORT DEFAULT RATES.—''; and

(B) by amending subparagraph (A) to read as follows:

''(A) The Secretary shall collect data from all insurers under this part and shall publish not less often than once every fiscal year a report showing cohort default data and life of cohort default rate for each category of institution, including: (i) 4-year public institutions; (ii) 4-year private nonprofit institutions; (iii) 2-year public institutions; (iv) 2-year private institutions; (v) 4-year proprietary institutions; (vi) 2-year proprietary institutions; and (vii) less than 2-year proprietary institutions. For purposes of this subparagraph, the life of cohort default rate means, for any fiscal year in which 1 or more

current and former students at an institution enter repayment on loans under section 428, 428A, or 428H, received for attendance at the institution, the percentage of those current and former students who enter repayment on such loans (or on the portion of a loan made under section 428C that is used to repay any such loans) received for attendance at the institution in that fiscal year who default before the end of each succeeding fiscal year.''.

(b) EFFECTIVE DATE AND TRANSITION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for purposes of calculating cohort default rates for fiscal year 2008 and succeeding fiscal years.

(2) TRANSITION.—Notwithstanding paragraph (1), the method of calculating cohort default rates under section 435(m) of the Higher Education Act of 1965 as in effect on the day before the date of enactment of this Act shall continue in effect, and the rates so calculated shall be the basis for any sanctions imposed on institutions of higher education because of their cohort default rates, until three consecutive years of cohort default rates calculated in accordance with the amendments made by subsection (a) are available.

SEC. 436. DISABILITY DETERMINATIONS.

Section 437(a) (20 U.S.C. 1087(a)) is amended by adding at the end the following new sentence: ''A borrower who receives a permanent total disability rating from the Secretary of Veterans Affairs, and who provides documentation of such rating to the Secretary of Education, shall be considered permanently and totally disabled for the purpose of discharging such borrower's loans under this subsection, and such borrower shall not be required to present additional documentation for purposes of this subsection.''.

PART C—COLLEGE WORK/STUDY

SEC. 441. REAUTHORIZATION.

(a) EXTENSION OF AUTHORITY.—Section 441 (42 U.S.C. 2751) is amended—

(1) in subsection (b), by striking ''$1,000,000,000 for fiscal year 1999'' and inserting ''$1,500,000,000 for fiscal year 2009''; and

(2) in subsection (c)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

"(5) responding to the needs of the community, which may include activities in preparation for and during emergencies and natural disasters.".

(b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking "$450" and inserting "$600".

(c) GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.—Section 443 (42 U.S.C. 2753) is amended—

(1) in subsection (b)(2)(B), strike "(as described in subsection (d)), is" insert the following: "(as described in subsection (d)), and not less than 1 civic education and participation project (as described in subsection (e)), are"; and

(2) by adding at the end the following new subsection:

"(e) CIVIC EDUCATION AND PARTICIPATION ACTIVITIES.—

"(1) USE OF FUNDS.—In any academic year to which subsection (b)(2)(B) applies, an institution shall ensure that funds granted to such institution under this section are used in accordance with such subsection to compensate (including compensation for time spent in training and travel directly related to civic education and participation activities) students employed in projects that—

"(A) teach civics in schools;

"(B) raise awareness of government functions or resources; or

"(C) increase civic participation such as in voting or running for elected office.

"(2) PRIORITY FOR SCHOOLS.—To the extent practicable, an institution shall—

"(A) give priority to the employment of students participating in projects that educate or train the public about evacuation, emergency response, and injury prevention strategies relating to natural disasters, acts of terrorism, and other emergency situations; and

"(B) ensure that any student compensated with the funds described in paragraph (1) receives appropriate training to carry out the educational services required.

"(3) FEDERAL SHARE.—The Federal share of the compensation of work-study students compensated under this subsection may exceed 75 percent.".

(d) FLEXIBLE USE OF FUNDS.—Section 445 (42 U.S.C. 2755) is amended by adding at the end the following new subsection:

"(d) FLEXIBILITY IN THE EVENT OF A MAJOR DISASTER.—

"(1) In the event of a major disaster, an eligible institution located in any area affected by such major disaster, as determined by the Secretary, may make payments under this part to disaster-affected students as follows:

"(A) For any academic year during which a major disaster occurs, such an eligible institution may pay wages under this part to disaster-affected students in an amount equal to or less than the amount of wages such students would have been paid under this part had the students been able to complete the work obligation necessary to receive work study funds for such academic year.

"(B) Wages shall not be awarded to any student who, for the academic year during which a major disaster occurs, was not eligible for work study or was not completing the work obligation necessary to receive work study funds under this part prior to the occurrence of the major disaster.

"(C) Any wages awarded to disaster-affected students under this subsection shall meet

the matching requirements outlined in section 443.

"(2) DEFINITIONS.—In this subsection:

"(A) The term 'disaster-affected students' means students enrolled at an eligible institution who—

"(i) were receiving Federal work study payments from such eligible institution for an academic year prior to the occurrence of a major disaster during such academic year; and

"(ii) were prevented from fulfilling their work-study obligations for such academic year due to such major disaster, as determined by the Secretary.

"(B) The term 'major disaster' has the meaning given such term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.".

SEC. 442. ADDITIONAL FUNDS FOR OFF-CAMPUS COMMUNITY SERVICE.

Section 447 (42 U.S.C. 2756a) is amended—

(1) by striking "Each institution participating" and inserting "(a) COMMUNITY SERVICE-LEARNING.—Each institution participating"; and

(2) by adding at the end the following new subsection:

"(b) OFF-CAMPUS COMMUNITY SERVICE.—

"(1) GRANTS AUTHORIZED.—In addition to funds made available under section 443(b)(2)(B), the Secretary is authorized to award grants to institutions participating under this part to supplement off-campus community service employment.

"(2) USE OF FUNDS.—In any year in which section 443(b)(2)(B) applies, an institution shall ensure that funds granted to such institution under this subsection are used in accordance with such section 443 to recruit and compensate students (including compensation for time spent in training and for travel directly related to such community service).

"(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applications that support postsecondary students assisting with early childhood education activities and activities in preparation for and during emergencies and natural disasters.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for

fiscal year 2009 and each of the 4 succeeding fiscal years.''.

SEC. 443. WORK COLLEGES.

(a) WORK-LEARNING-SERVICE.—Section 448 (42 U.S.C. 2756b) is amended by striking ''work-learning'' each place it appears and inserting ''work-learning-service''.

(b) DEFINITION.—Section 448(e) is amended to read as follows:

''(e) DEFINITIONS.—For the purpose of this section—

''(1) the term 'work college' means an eligible institution that—

''(A) has been a public or private non-profit, four-year, degree granting institution with a commitment to community service;

''(B) has operated a comprehensive work-learning-service program for at least 2 years;

''(C) requires all resident students, including at least one-half of all students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for at least 5 hours each week, or at least 80 hours during each period of enrollment, except summer school, unless the student is engaged in

an institutionally organized or approved study abroad or externship program; and

"(D) provides students participating in the comprehensive work-learning-service program with the opportunity to contribute to their education and to the welfare of the community as a whole; and

"(2) the term 'comprehensive student work-learning-service program' means a student work-learning-service program that—

"(A) is an integral and stated part of the institution's educational philosophy and program;

"(B) requires participation of all resident students for enrollment and graduation;

"(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

"(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

"(E) recognizes the educational role of work-learning-service supervisors; and

"(F) includes consequences for non-performance or failure in the work-learning-

service program similar to the consequences for failure in the regular academic program.''.

(c) AUTHORIZATION.—Section 448(f) is amended—

(1) by striking ''$5,000,000'' and inserting ''such sums as may be necessary''; and

(2) by striking ''1999'' and inserting ''2009''.

PART D—FEDERAL DIRECT STUDENT LOANS

SEC. 451. REAUTHORIZATION.

Section 458(a) (20 U.S.C. 1087h(a)) is amended—

(1) in paragraph (2)—

(A) in the heading of such paragraph, by striking ''2011'' and inserting ''2013''; and

(B) by striking ''2011'' and inserting ''2013''; and

(2) in paragraph (3), by striking ''2011'' and inserting ''2013''.

SEC. 452. PUBLIC SERVICE JOB DEFINITION.

Section 455(m)(3)(B) (20 U.S.C. 1087e(m)(3)(B)) is amended to read as follows:

''(B) PUBLIC SERVICE JOB.—The term 'public service job' means—

''(i) a full-time job in emergency management, government (excluding time served as a member of Congress), military service, public safety, law enforcement,

public health (including nurses, nurse practitioners, nurses in a clinical setting, and full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), public education, social work in a public child or family service agency, public interest law services (including prosecution or public defense or legal advocacy on behalf of low-income communities at a nonprofit organization), early childhood education (including licensed or regulated childcare, Head Start, and State funded prekindergarten), public service for individuals with disabilities, public service for the elderly, public library sciences, school-based library sciences and other school-based services, or at an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

''(ii) teaching as a full-time faculty member at a Tribal College or University

as defined in section 316(b) and other faculty teaching in high-needs subject areas or areas of shortage (including nurse faculty, foreign language faculty and part-time faculty at community colleges), as determined by the Secretary.''.

SEC. 453. IDENTITY FRAUD PROTECTION.

Section 455 (20 U.S.C. 1087e) is further amended by adding at the end the following new subsection:

''(n) IDENTITY FRAUD PROTECTION.—The Secretary of Education shall take such steps as may be necessary to ensure that monthly Direct Loan statements and other publications of the Department of Education do not contain more than 4 digits of the Social Security number of any individual.''.

SEC. 454. NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.

(a) AMENDMENT.—Section 455 (20 U.S.C. 1087e) is further amended by adding at the end the following:

''(o) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest shall not accrue for an eligi-

ble borrower on a loan made under this part that is disbursed on or after October 1, 2008.

"(2) CONSOLIDATION LOANS.—In the case of any consolidation loan made under this part that is disbursed on or after October 1, 2008, interest shall not accrue pursuant to this subsection only on such portion of such loan as was used to repay a loan made under this part that was disbursed on or after October 1, 2008.

"(3) ELIGIBLE BORROWER.—In this subsection, the term 'eligible borrower' means an individual who—

"(A)(i) is serving on active duty during a war or other military operation or national emergency; or

"(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; and

"(B) is serving in an area of hostilities in which service qualifies for special pay under section 310 of title 37, United States Code.

"(4) LIMITATION.—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.".

(b) CONSOLIDATION LOANS.—Section 428C(b)(5) (20 U.S.C. 1078–3(b)(5)) is amended by inserting after the first sentence the following: ''In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty service members program offered under section 455(o), the Secretary shall offer a Federal Direct Consolidation loan to any such borrower who applies for participation in such program.''.

SEC. 455. DIRECT LOAN PROGRAM AUDIT AND REPORTING REQUIREMENTS.

(a) AUDIT OF DIRECT LOAN SERVICING PORTFOLIO AND DIRECT LOAN SERVICING CONTRACTS.—Section 458 (20 U.S.C. 1087h) is amended by adding at the end the following:

''(d) AUDIT OF DIRECT LOAN SERVICING PORTFOLIO AND DIRECT LOAN SERVICING CONTRACTS.—The Secretary shall have a financial and compliance audit of all loans owned by the Department of Education and made under the William D. Ford Federal Direct Loan Program and all contracts for the origination, servicing, collection, and related activities of such loans, conducted annually by a qualified independent organization from a list of qualified organizations promulgated by the Secretary in accordance with standards established by the Comptroller Gen-

1 eral. The standards shall measure the servicer's compli-
2 ance with the due diligence standards and shall include
3 a defined statistical sampling technique designed to meas-
4 ure the performance rating of the servicer for the purpose
5 of this section. The Secretary shall submit the audit to
6 Congress within 60 days of its completion and shall at
7 the same time make the results of the audit publicly avail-
8 able.''.

9 (b) QUARTERLY REPORTING OF ADMINISTRATIVE
10 EXPENSES.—Section 458 (20 U.S.C. 1087h) is further
11 amended by adding at the end the following:

12 ''(e) BUDGET JUSTIFICATION AND QUARTERLY RE-
13 PORTS.—In addition to the requirements of subsection (c),
14 and as a prerequisite to expending funds under this sec-
15 tion, the Secretary shall—

16 ''(1) make publicly available immediately upon
17 providing to Congress, its annual budget justifica-
18 tion referenced in the last sentence of subsection (c),
19 including the detailed descriptions of activities and
20 the costs for each such activity; and

21 ''(2) make publicly available within 30 days of
22 the close of each calendar quarter, an interim report
23 with at least the same level of detail as the annual
24 report referred to above, showing the detailed de-

scriptions of activities and the costs for each such activity, for the quarter, which shall include—

"(A) amendments to any contracts entered into by the Department for the purposes of servicing, origination, consolidating, or otherwise providing administrative support for the Direct Loan program;

"(B) a complete listing of all milestones for upgrades and improvements in any of the contracts referenced in section 458(d)(1) and the progress towards meeting such milestones;

"(C) with respect to each of the guaranty agencies operating under a guaranty agreement under section 428(c)—

"(i) un-reconciled balances in held loans by year of origination;

"(ii) status and number of defaulted loans by length of default in 30-day increments; and

"(iii) status and number of delinquent loans by length of delinquency in 30-day increments;

"(D) information technology purchases made under this section; and

"(E) costs and terms of all contracts with external consultants and employees of institutions of higher education carrying out activities under this part.".

(c) AUDIT OF FEDERAL FAMILY EDUCATION LOAN PROGRAM PORTFOLIO AND GUARANTY AGENCIES.—The Secretary of Education shall have a financial and compliance audit of all guaranty agencies participating in the loan programs under part B of title IV of the Higher Education Act of 1965 (including each guaranty agencies' contract for the servicing, collecting, and related activities of such loans), conducted annually by a qualified independent organization from a list of qualified organizations promulgated by the Secretary in accordance with the standards established by the Comptroller General. The standards shall measure the guaranty agency's compliance with the due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the guaranty agency for the purpose of this subsection. The Secretary shall submit the audit to Congress within 60 days of its completion and shall at the same time make the results of the audit publicly available.

PART E—PERKINS LOANS

SEC. 461. EXTENSION OF AUTHORITY.

Section 461(b) (20 U.S.C. 1087aa(b)) is amended—

(1) in paragraph (1), by striking ''$250,000,000 for fiscal year 1999'' and inserting ''$350,000,000 for fiscal year 2009''; and

(2) in paragraph (2), by striking ''2003'' each place it appears and inserting ''2014''.

SEC. 462. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 463. AGREEMENTS WITH INSTITUTIONS.

(a) TRANSFERS FOR COLLECTION.—Section 463(a)(4)(B) (20 U.S.C. 1087cc(a)(4)(B)) is amended to read as follows:

''(B) if the institution is not one described in subparagraph (A), the Secretary may allow such institution to refer such note or agreement to the Secretary, without recompense, except that any sums collected on such a loan (less an amount not to exceed 30 percent of any such sums collected to cover the Secretary's collection costs) shall be repaid to such institution no later than 180 days after collection by the Secretary and treated as an additional capital contribution under section 462;''.

(b) REVISE AUTHORITY TO PRESCRIBE ADDITIONAL FISCAL CONTROLS.—Section 463(a)(9) (20 U.S.C. 1087cc(a)(9)) is amended by inserting ", except that nothing in this paragraph shall be construed to permit the Secretary to require the assignment of loans to the Secretary other than as is provided for in paragraphs (4) and (5)" before the period.

SEC. 464. PERKINS LOAN TERMS AND CONDITIONS.

(a) LOAN LIMITS.—Section 464(a) (20 U.S.C. 1087dd(a)) is amended—

(1) in paragraph (2)(A)—

(A) by striking "$4,000" in clause (i) and inserting "$5,500"; and

(B) by striking "$6,000" in clause (ii) and inserting "$8,000"; and

(2) in paragraph (2)(B)—

(A) by striking "$40,000" in clause (i) and inserting "$60,000";

(B) by striking "$20,000" in clause (ii) and inserting "$27,500"; and

(C) by striking "$8,000" in clause (iii) and inserting "$11,000".

(b) FORBEARANCE.—Section 464 (20 U.S.C. 1087dd) is further amended—

(1) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking ", upon written request," and inserting ", as documented in accordance with paragraph (2),";

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by inserting "(1)" after "FORBEARANCE.—"; and

(D) by adding at the end the following:

"(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

"(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

"(B) recording the terms in the borrower's file.";

(2) in subsection (h)(1)(A), by striking "12 ontime" and inserting "9 on-time"; and

(3) in subsection (j)(2), by striking "(e)(3)" and inserting "(e)(1)(C)".

SEC. 465. CANCELLATION FOR PUBLIC SERVICE.

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

''(A) as a full-time teacher for service in an academic year in a high-need school;'';

(B) in subparagraph (B), by striking ''Head Start Act which'' and inserting ''Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that'';

(C) in subparagraph (H), by striking ''or'' after the semicolon;

(D) in subparagraph (I), by striking the period and inserting a semicolon; and

(E) by inserting before the matter following subparagraph (I) the following:

''(J) as a full-time fire fighter for service to a local, State, or Federal fire department or fire district;

''(K) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

''(L) as a librarian, if the librarian has a master's degree in library science and is employed in—

''(i) an elementary school or secondary school that is eligible for assistance under title

I of the Elementary and Secondary Education Act of 1965; or

"(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

"(M) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965."; and

(2) in paragraph (3)(A)—

(A) in clause (i)—

(i) by inserting "(D)," after "(C),"; and

(ii) by striking "or (I)" and inserting "(I), (J), (K), (L), or (M)";

(B) in clause (ii), by inserting "or" after the semicolon;

(C) by striking clause (iii); and

(D) by redesignating clause (iv) as clause (iii).

SEC. 466. SENSE OF CONGRESS REGARDING PERKINS LOANS.

It is the sense of Congress that—

(1) the Federal Perkins Loan Program, which provides low-interest loans to help needy students finance the costs of postsecondary education, is an important part of Federal student aid, and should remain a campus-based aid program at colleges and universities; and

(2) in order to strengthen the Federal Perkins Loan Program, the Federal Government should support increased funds to the Program and restore the capital contribution funds for the Program, to provide more low-income students with affordable borrowing options.

PART F—NEED ANALYSIS

SEC. 471. COST OF ATTENDANCE.

(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087kk(3)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:

''(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title

37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2009.

SEC. 472. DISCRETION TO MAKE ADJUSTMENTS FOR NURSING HOME EXPENSES.

Section 479A(a) (20 U.S.C. 1087tt) is amended by striking ''medical or dental expenses'' and inserting ''medical, dental, or nursing home expenses''.

SEC. 473. DEFINITIONS.

(a) TOTAL INCOME.—Section 480(a) (20 U.S.C. 1087vv(a)) is amended by adding at the end the following new paragraph:

''(3) Notwithstanding paragraph (1), with respect to dislocated workers (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), the term 'total income' is equal to estimated adjusted gross income plus estimated untaxed income and benefits for the current tax year minus estimated excludable income (as defined in subsection (e)) in for the current tax year.''.

(b) UNTAXED INCOME AND BENEFITS.—Section 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting '', except that the value of on-base military housing or the value of basic allowance for housing determined

under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded'' before the semicolon.

(c) TREATMENT OF COOPERATIVE EDUCATION WORK INCOME.—Section 480(e) (20 U.S.C. 1087vv(e)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) any income earned from work under a cooperative education program offered by an institution of higher education;''.

(d) TREATMENT OF VETERANS' EDUCATION BENEFITS IN ESTIMATED FINANCIAL ASSISTANCE CALCULATION.—Section 480(j) (20 U.S.C. 1087vv(j)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding paragraph (1), for the first year a student receives veterans' education benefits under chapter 30 of title 38, United States Code, the amount of such veterans' education benefits that is treated as estimated financial assistance not received under this title for the purposes of section 471(3) shall be calculated by subtracting the amount that the student's basic pay was re-

duced under section 3011(b) or 3012(c) of such title in order to be eligible to receive such benefits from the amount of such veterans' education benefits.''.

(e) EFFECTIVE DATE.—The amendments made by this section are effective on July 1, 2009.

SEC. 474. USE OF MOST RECENT TAX INFORMATION IN NEED ANALYSIS.

Section 480(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(a)(1)), as amended by section 473 of this Act, is further amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, the Secretary shall, by regulation, provide for the use of the second preceding tax year when and to the extent necessary to carry out the simplification of applications used for the estimation and determination of financial aid eligibility through the sharing of data with the Internal Revenue Service with the consent of the taxpayer.''.

PART G—GENERAL PROVISIONS

SEC. 481. COMPLIANCE CALENDAR.

Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:

''(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports

and disclosures required under this Act. The list shall include—

"(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

"(2) the required recipients of each report or disclosure;

"(3) any required method for transmittal or dissemination of each report or disclosure;

"(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

"(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

"(6) any other information which is pertinent to the content or distribution of the report or disclosure.".

SEC. 482. IMPROVEMENTS TO PAPER AND ELECTRONIC FORMS AND PROCESSES.

(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—Section 483 (20 U.S.C. 1090) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1), (2), and (5);

(B) by redesignating paragraphs (3), (4), (6), and (7), as paragraphs (9), (10), (11), and (12), respectively; and

(C) by inserting before paragraph (9), as redesignated by subparagraph (B), the following:

"(1) IN GENERAL.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than subpart 4 of part A). These forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the 'Free Application for Federal Student Aid' or the 'FAFSA'. The Secretary shall work to make the FAFSA consumer-friendly and to make questions on the FAFSA easy for students and parents to read and understand, and shall ensure that the FAFSA

is available in formats accessible to individuals with disabilities.

"(2) EARLY ESTIMATES.—The Secretary shall—

"(A) permit applicants to enter data in such forms as described in this subsection in the years prior to enrollment in order to obtain a non-binding estimate of the applicant's family contribution (as defined in section 473);

"(B) permit applicants to update information submitted on forms described in this subsection, without needing to re-enter previously submitted information;

"(C) develop a means to inform applicants, in the years prior to enrollment, of student aid options for individuals in similar financial situations; and

"(D) develop a means to provide a clear and conspicuous notice that the applicant's expected family contribution is subject to change and may not reflect the final expected family contribution used to determine Federal student financial aid award amounts.

"(3) PAPER FORMAT.—

"(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of subparagraph (B).

"(B) EZ FAFSA.—

"(i) IN GENERAL.—The Secretary shall develop and use a simplified paper application form, to be known as the EZ FAFSA, to be used for applicants meeting the requirements of subsections (b) and (c) of section 479.

"(ii) REDUCED DATA REQUIREMENTS.—The EZ FAFSA shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsections (b) and (c) of section 479.

"(iii) STATE DATA.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary

shall not include a State's data if that State does not permit its applicants to use the EZ FAFSA for State assistance.

"(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (7) shall apply to the EZ FAFSA, and the data collected by means of the EZ FAFSA shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

"(v) TESTING.—The Secretary shall conduct appropriate field testing on the EZ FAFSA.

"(C) PROMOTING THE USE OF ELECTRONIC FAFSA.—

"(i) IN GENERAL.—The Secretary shall make all efforts to encourage all applicants to utilize the electronic forms described in paragraph (4).

"(ii) MAINTENANCE OF THE FAFSA IN A PRINTABLE ELECTRONIC FILE.—The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable. The printable elec-

tronic file will be made easily accessible and downloadable to students on the same website used to provide students with the electronic application forms described in paragraph (4) of this subsection. The Secretary shall enable students to submit a form created under this subparagraph that may be downloaded and printed from an electronic file format in order to meet the filing requirements of this section and in order to receive aid from programs under this title.

"(iii) REPORTING REQUIREMENT.—The Secretary shall report annually to Congress on the impact of the digital divide on students completing applications for title IV aid described under this paragraph and paragraph (4). The Secretary will also report on the steps taken to eliminate the digital divide and reduce production of the paper form described in subparagraph (A) of this paragraph. The Secretary's report will specifically address the impact of the digital divide on the following student populations: independent

students, traditionally underrepresented students, and dependent students.

"(4) ELECTRONIC FORMAT.—

"(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in electronic format to meet the requirements of paragraph (1). The Secretary shall develop common electronic forms for applicants who do not meet the requirements of subparagraph (C) of this paragraph.

"(B) STATE DATA.—The Secretary shall include on the common electronic forms space for information that needs to be entered for the applicant to be eligible for State financial assistance, as provided under paragraph (6), except the Secretary shall not require applicants to enter data required by any State other than the applicant's State of residence.

"(C) SIMPLIFIED APPLICATIONS: FAFSA ON THE WEB.—

"(i) IN GENERAL.—The Secretary shall develop and use a simplified electronic application form to be used by applicants meeting the requirements under subsections (b) and (c) of section 479.

"(ii) REDUCED DATA REQUIREMENTS.—The simplified electronic application forms shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 479.

"(iii) STATE DATA.—The Secretary shall include on the simplified electronic application forms such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not require applicants to enter data required by any State other than the applicant's State of residence.

"(iv) AVAILABILITY AND PROCESSING.—The data collected by means of the simplified electronic application forms shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

"(v) TESTING.—The Secretary shall conduct appropriate field testing on the forms developed under this subparagraph.

"(D) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software provider, a consortium thereof, or such other entities as the Secretary may designate.

"(E) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the forms. Data collected by such electronic version of the forms shall be used

only for the application, award, and administration of aid awarded under this title, State aid awarded under section 415C, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

"(F) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic form under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (G) of this paragraph.

"(G) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary may assign to applicants personal identification numbers—

"(i) to enable the applicants to use such numbers in lieu of a signature for purposes of completing a form under this paragraph;

"(ii) to enable the applicants to use such numbers in lieu of a signature for purposes of completing forms required by States under section 415C; and

"(iii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

"(H) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—The Secretary shall implement a real-time data match between the Social Security Administration and the Department to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.

"(5) STREAMLINING.—

"(A) STREAMLINED REAPPLICATION PROCESS.—

"(i) IN GENERAL.—The Secretary shall develop streamlined reapplication forms and processes, including both paper and electronic reapplication processes, consistent with the requirements of this subsection, for an applicant who applies for fi-

nancial assistance under this title in the next succeeding academic year subsequent to the year in which such applicant first applied for financial assistance under this title.

"(ii) MECHANISMS FOR REAPPLICATION.—The Secretary shall develop appropriate mechanisms to support reapplication.

"(iii) IDENTIFICATION OF UPDATED DATA.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that can be updated from the previous academic year's application.

"(iv) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

"(v) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c)

shall not be required to provide any financial data in a reapplication form, except that which is necessary to determine eligibility under such section.

"(B) REDUCTION OF DATA ELEMENTS.—

"(i) REDUCTION ENCOURAGED.—Of the number of data elements on the FAFSA on the date of enactment of the College Opportunity and Affordability Act of 2008 (including questions on the FAFSA for the purposes described in paragraph (6)), the Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall continue to reduce the number of such data elements required to be entered by all applicants, with the goal of reducing such number by 50 percent. Reductions of data elements under paragraph (3)(B), (4)(C), or (5)(A)(iv) shall not be counted towards such reduction unless those data elements are reduced for all applicants.

"(ii) REPORT.—The Secretary shall submit a report on the process of this re-

duction to each the authorizing committees within 2 years after such date of enactment.

"(6) STATE REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall include on the forms developed under this subsection, such State-specific nonfinancial data items as the Secretary determines are necessary to meet State requirements for need-based State aid under section 415C, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. Such items shall be selected in consultation with State agencies that submit applications under section 415C in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. The number of such data items shall not be less than the number included on the form for the 2008–2009 academic year, unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

"(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review process to determine which forms and nonfinancial data items the States require to award need-based State aid and other application requirements that the States may impose.

"(C) STATE USE OF SIMPLIFIED FORMS.—The Secretary shall encourage States to take such steps as necessary to encourage the use of simplified application forms, including those described in paragraphs (3)(B) and (4)(C), to meet the requirements under subsection (b) or (c) of section 479.

"(D) FEDERAL REGISTER NOTICE.—The Secretary shall publish on an annual basis a notice in the Federal Register requiring State agencies to inform the Secretary—

"(i) if the State agency is unable to permit applicants to utilize the simplified application forms described in paragraphs (3)(B) and (4)(C); and

"(ii) of the State-specific nonfinancial data that the State agency requires for delivery of State need-based financial aid.

"(E) STATE NOTIFICATION TO THE SECRETARY.—

"(i) IN GENERAL.—Each State agency that submits an application under section 415C shall notify the Secretary—

"(I) whether the State permits an applicant to file a form described in paragraph (3)(B) or (4)(A) of this subsection for purposes of determining eligibility for State need-based grant aid; and

"(II) the State-specific non-financial data that the State agency requires for delivery of State need-based financial aid.

"(ii) ACCEPTANCE OF FORMS.—In the event that a State does not permit an applicant to file a form described in paragraph (3)(B) or (4)(A) of this subsection for purposes of determining eligibility for State need-based grant aid—

"(I) the State shall notify the Secretary if the State is not permitted to do so because of either State law or because of agency policy; and

"(II) the notification under subclause (I) shall include an estimate of the program cost to permit applicants to complete simplified application forms under paragraphs (3)(B) and (4)(A) of this subsection.

"(iii) LACK OF NOTIFICATION BY THE STATE.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—

"(I) permit residents of that State to complete simplified application forms under paragraphs (3)(B) and (4)(A) of this subsection; and

"(II) not require any resident of that State to complete any nonfinancial data previously required by that State under this section.

"(7) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—

"(A) FEES PROHIBITED.—The FAFSA, in whatever form (including the EZ FAFSA, paper, electronic, simplified, or reapplication), shall be produced, distributed, and processed by the Secretary and no parent or student shall be

charged a fee for the collection, processing, or delivery of financial aid through the use of the FAFSA. The need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A) may only be determined by using the FAFSA developed by the Secretary pursuant to this subsection. No student may receive assistance under parts A through E of this title (other than under subpart 4 of part A), except by use of the FAFSA developed by the Secretary pursuant to this subsection. No data collected on a form for which a fee is charged shall be used to complete the FAFSA.

"(B) NOTICE.—Any entity that provides to students and parents, or charges students or parents for, any value-added services with respect to or in connection with the FAFSA, such as completion of the FAFSA, submission of the FAFSA, or tracking of the FAFSA for a student, shall provide to students and parents clear and conspicuous notice that—

"(i) the FAFSA is a free Federal student aid application;

"(ii) the FAFSA can be completed without professional assistance; and

"(iii) includes the current Internet address for the FAFSA on the Department's web site.

"(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit a form created under this subsection in order to meet the filing requirements of this section and in order to receive aid from programs under this title and shall initiate the processing of applications under this subsection as early as practicable prior to October 15 of the year prior to the student's planned year of enrollment.";

(2) by adding at the end of subsection (a) the following paragraph:

"(13) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—

"(A) PROGRAM REQUIRED.—The Secretary shall, no later than two years after the date of the enactment of the College Opportunity and Affordability Act of 2008, implement an early application demonstration program enabling dependent students to—

"(i) complete applications under this subsection in such students' junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education;

"(ii) receive an estimate of such students' financial aid awards;

"(iii) update, in the year prior to such students' planned year of enrollment, the information contained in an application submitted under clause (i), using the process described in paragraph (5) to determine such students' final financial aid awards; and

"(iv) receive final financial aid awards based on updated information described in clause (iii).

"(B) PURPOSE AND OBJECTIVES.—The purpose of the demonstration program under this paragraph shall be to measure the benefits, in terms of student aspirations and plans to attend college, and the adverse effects, in terms of program costs, integrity, distribution, and delivery of aid under this title, of implementing

an early application system for all dependent students that allows dependent students to apply for financial aid using information from the year prior to the year prior to enrollment. Additional objectives associated with implementation of the demonstration program are the following:

"(i) Measure the feasibility of enabling dependent students to apply for Federal, State, and institutional financial aid in their junior year of high school, using information from the year prior to the year prior to enrollment, by completing any of the application forms under this subsection.

"(ii) Identify whether receiving final financial aid awards no later than the fall of the senior year provides students with additional time to compete for the limited resources available for State and institutional financial aid and positively impacts the college aspirations and plans of these students.

"(iii) Measure the impact of using income information from the years prior to enrollment on—

"(I) eligibility for financial aid under this title and for other State and institutional aid; and

"(II) the cost of financial aid programs under this title.

"(iv) Effectively evaluate the benefits and adverse effects of the demonstration program on program costs, integrity, distribution, and delivery of aid.

"(C) PARTICIPANTS.—The Secretary shall select States and institutions within those States to participate in the demonstration program under this paragraph that are participating in the programs under this title and that are willing to make final financial aid awards to students based on their application information from the year prior to the year prior to enrollment. The Secretary shall also select as participants in the demonstration program secondary schools and dependent students that are located in the participating States.

"(D) APPLICATION PROCESS.—The Secretary shall insure that the following provisions are included in the demonstration program:

"(i) Participating States and institutions shall—

"(I) encourage participating students to apply for estimates of financial aid awards as provided under this title in such students' junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education, using the most recent information available; and

"(II) make final financial aid awards to participating students based on the updated information contained on a form submitted using the process described in paragraph (5).

"(ii) Financial aid administrators at participating institutions shall be allowed to use their discretion in awarding financial aid to participating students, as out-

lined under section 479A and section 480(d)(7).

"(E) EVALUATION.—The Secretary shall conduct a rigorous evaluation of this demonstration program in order to measure its benefits and adverse effects as indicated under subparagraph (A).

"(F) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States of the demonstration program under this paragraph. Upon determination of participating States, the Secretary shall continue to make efforts to notify institutions and dependent students within participating States of the opportunity to participate in the demonstration program and of the participation requirements.

"(G) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance, established under section 491, on the design and implementation of the demonstration program and on the evaluation described in subparagraph (E).";

(3) by striking subsection (b); and

(4) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(b) MASTER CALENDAR.—Section 482(a)(1) (20 U.S.C. 1089(a)(1)) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) by March 1: proposed modifications, updates, and notices pursuant to sections 478 and 483(a)(6) published in the Federal Register;

"(C) by June 1: final modifications, updates, and notices pursuant to sections 478 and 483(a)(6) published in the Federal Register;".

(c) MODEL INSTITUTION FINANCIAL AID OFFER FORM.—

(1) REPORT AND MODEL FORMAT.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2008, the Secretary shall—

(A) prepare a report on the adequacy of the financial aid offer forms provided by institutions of higher education to students and the parents of such students, after consulting with—

(i) students;

(ii) parents of students;

(iii) representatives of institutions of higher education (including financial aid

administrators, registrars, and business officers); and

(iv) consumer groups that receive no commercial or institution of higher education support;

(B) include in the report a model format for financial aid offer forms that—

(i) is based on the report's findings; and

(ii) includes the information described in paragraph (2); and

(C)(i) submit the report and model format to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003); and

(ii) make the report and model format available to institutions of higher education, lenders, and the public.

(2) MODEL FORMAT CONTENTS.—The model financial aid offer format developed under paragraph (1) shall present, in a consumer-friendly manner, the following information:

(A) The student's cost of attendance for the year for which the institution of higher education is issuing the financial aid offer form, in-

1 cluding the actual or estimated costs included
2 in the cost of attendance for such year for each
3 of the following:
4 (i) Tuition and fees.
5 (ii) Room and board costs.
6 (iii) Books and supplies.
7 (iv) Transportation.
8 (B) The amount of financial aid that the
9 student does not have to repay, such as scholar-
10 ships and grants, offered to the student for
11 such year.
12 (C) The conditions under which the finan-
13 cial aid described in subparagraph (B) is renew-
14 able each year.
15 (D) The amount of work-study assistance
16 offered to the student for such year, and the
17 conditions under which the student has to fulfill
18 the work-study assistance.
19 (E) The types and amounts of loans under
20 part B, D, or E of title IV for which the stu-
21 dent is eligible for such year, and the interest
22 rate, loan term, monthly repayment amount,
23 and total repayment amount of each such loan.
24 (F) The types and amounts of loans under
25 428B or Federal Direct PLUS loans under sec-

tion 455 for which a parent of the student is eligible for such year, and the interest rate, loan term, monthly repayment amount, and total repayment amount of each such loan.

(G) The net amount that the student or the student's parent will have to pay to attend the institution for such year, which amount shall be the difference between—

(i) the cost of attendance for the student for such year; less

(ii) the amount of financial aid offered by the covered institution in the financial aid offer form.

(H) Where a student or the student's parent can seek additional information regarding the financial aid offered.

(I) Any other information the Secretary determines necessary so that students and parents can make informed student loan borrowing decisions.

SEC. 483. INCREASING ACCESS TO TECHNOLOGY.

Section 483 (20 U.S.C. 1087ss) is further amended by adding at the end the following:

"(e) ADDRESSING THE DIGITAL DIVIDE.—The Secretary shall utilize savings accrued by moving more appli-

cants to the electronic forms described in subsection (a)(4) to improve access to the electronic forms described in subsection (a)(4) for applicants meeting the requirements of section 479(b) or (c).''.

SEC. 484. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) in order to simplify the Free Application for Federal Student Aid (FAFSA), which serves as an entry point for the scholarships, grants, loans, and work-study assistance that make it possible for millions of students to attend college, the Secretary of Education and the Secretary of the Treasury should work together to develop a process by which the Department of Education will, with the aid applicant's permission, draw income information directly from the Internal Revenue Service for the purpose of completing the EZ FAFSA, the FAFSA, and FAFSA renewal applications and providing early estimates of aid eligibility; and

(2) this process would—

(A) ease the burden of reporting income-related information for applicants;

(B) increase the efficiency, accuracy, and security of the FAFSA filing process;

(C) significantly reduce the need for further verification by the Department of Education, institutions, and applicants; and

(D) protect the security, privacy, and safety of all data used in the FAFSA filing process.

SEC. 485. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B), by striking ''the Republic of the Marshall Islands, the Federated States of Micronesia, or''; and

(B) in paragraph (5), by striking ''a citizen of any one of the Freely Associated States'' and inserting ''or, to the extent described in subsection (j), a citizen of the Republic of Palau'';

(2) by amending subsection (j) to read as follows:

''(j) ASSISTANCE UNDER SUBPART 1 OF PART A FOR STUDENTS FROM PALAU.—Notwithstanding any other provision of law, a student shall be eligible until September 30, 2009, for assistance under subpart 1 of part A if the student is otherwise qualified and—

"(1) is a citizen of the Republic of Palau and attends an institution of higher education in a State or a public or nonprofit private institution of higher education in the Freely Associated States; or

"(2) meets the requirements of subsection (a)(5) and attends a public or nonprofit private institution of higher education in any one of the Freely Associated States.";

(3) by striking subsection (l) and inserting the following:

"(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

"(1) RELATION TO CORRESPONDENCE COURSES.—

"(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

"(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school de-

scribed in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

''(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

''(3) SPECIAL RULE.—For award years prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.'';

(4) in subsection (r)(2)—

(A) in subparagraph (A), by striking ''or'' at the end of clause (ii);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe in regulations for purposes of subparagraph (A)(i); or"; and

(5) by adding at the end the following:

"(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—

"(1) IN GENERAL.—Notwithstanding subsections (a), (c), and (d), in order to receive any grant or work assistance under section 401, subpart 3 of part A, and part C of this title, a student with an intellectual disability (as defined in section 768(2)) shall—

"(A) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program for students with intellectual disabilities at an institution of higher education;

"(B) be maintaining satisfactory progress in the program as determined by the institu-

tion, in accordance with standards established by the institution; and

"(C) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).

"(2) AUTHORITY.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary is authorized to waive any statutory provision applicable to the student financial assistance programs under section 401, subpart 3 of part A, or part C of this title, or any institutional eligibility provisions of this title, as the Secretary deems necessary to ensure that programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection may receive such financial assistance.

"(3) REGULATIONS.—Notwithstanding regulations applicable to grant or work assistance awards made under section 401 of part A, subpart 3 of part A, and part C of this title, including with respect to eligible programs, instructional time, credit status, and enrollment status as described in section 481, the Secretary shall promulgate regulations allowing programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection to receive such awards.

"(t) DATA ANALYSIS ON ACCESS TO FEDERAL STUDENT AID FOR CERTAIN POPULATIONS.—

"(1) DEVELOPMENT OF THE SYSTEM.—Within one year of enactment of the College Opportunity and Affordability Act of 2008, the Secretary shall, in consultation with the Central Processing System, analyze data from the FAFSA containing information regarding the number, characteristics, and circumstances of students denied Federal student aid based on a drug conviction while receiving Federal aid.

"(2) RESULTS FROM ANALYSIS.—The results from the analysis of such information shall be made available on a continuous basis via the Department of Education website and the Digest of Education and Statistics.

"(3) DATA UPDATING.—The data analyzed under this subsection shall be updated at the beginning of each award year and at least one additional time during such award year.

"(4) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the authorizing committees of the Congress, in each fiscal year, a report describing the results obtained by the establishment

and operation of the data system authorized by this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take affect on July 1, 2009.

SEC. 486. ASSESSMENT OF COSTS AND OTHER CHARGES.

Section 484A(b) (20 U.S.C. 1091a(b)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy.''.

SEC. 487. READMISSION REQUIREMENTS FOR SERVICEMEMBERS.

Section 484B(a)(2) (20 U.S.C. 1091b(a)(2)) is amended by adding at the end the following new subparagraph:

"(C) READMISSION REQUIREMENTS FOR SERVICEMEMBERS.—Any institution of higher education that requires any student—

"(i) who is a member of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, including members of the National Guard or other reserve component,

"(ii) who is on active duty, or is called or ordered to active duty (as defined in section 481(d)), and

"(iii) whose attendance at such institution is interrupted by such active duty,

to apply for readmission to such institution of higher education after the conclusion of such active duty shall submit to the Secretary a statement justifying such requirement.".

SEC. 488. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

(a) DISCLOSURE OF POLICIES.—Section 485(a) (20 U.S.C. 1092(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking "program, and";

(B) by striking ''and'' at the end of subparagraph (N);

(C) by striking the period at the end of subparagraph (O) and inserting a semicolon; and

(D) by adding at the end the following new subparagraphs:

''(P) institutional policies and sanctions related to copyright infringement, including—

''(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

''(ii) a summary of the penalties for violation of Federal copyright laws;

''(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system; and

"(iv) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution's information technology system; and

"(Q) institutional policies regarding meningoccal vaccinations which may include offering the vaccinations through the institution at a cost to the student."; and

(2) by amending paragraph (4) to read as follows:

"(4) For purposes of this section, institutions may—

"(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

"(B) in cases in which the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at an institution, the institution may recalculate the

completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period during which such students were not enrolled due to the service described in subparagraph (A) of this paragraph.''.

(b) CRIMINAL OFFENSES REPORTED.—Section 485(f)(1) (20 U.S.C. 1092(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting '', other than a foreign institution of higher education,'' after ''under this title'';

(2) in subparagraph (C), by striking clauses (i) and (ii) and inserting the following:

''(i) the law enforcement authority of campus security personnel;

''(ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether or not the institution has a written agreement, such as a memorandum of understanding, with such agencies;

''(iii) the institution's plan, which shall address coordination with State and local law enforcement agencies, for the investigation of—

"(I) any felony described in subparagraph (F) of this paragraph occurring in the areas described in subparagraphs (A) through (D) of paragraph (12) of this subsection; and

"(II) a report of a missing student; and

"(iv) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies;";

(3) in subparagraph (F)(ii), by inserting after "through (VIII) of clause (I)" the following: ", and for larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property,"; and

(4) by adding at the end the following new subparagraph:

"(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which shall include procedures—

"(i) to notify the campus community in not more than 30 minutes in the event of a significant emergency or dangerous

situation, involving an immediate threat to the health or safety of students or staff, occurring on the campus, in or on noncampus buildings or property, and on public property;

"(ii) to publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

"(iii) to test emergency response and evacuation procedures on an annual basis.".

(c) ADDITIONAL AMENDMENT.—Section 485(f) is further amended—

(1) by redesignating paragraph (15) as paragraph (18); and

(2) by inserting after paragraph (14) the following:

"(15) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

"(16) BEST PRACTICES.—The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

"(17) RETALIATION PROHIBITED.—No participating institution or officer, employee, or agent of the institution shall intimidate, threaten, coerce, or otherwise discriminate against any individual for the purpose of interfering with the implementation of any provision of this subsection, or any rights or privileges accorded under this subsection, or because the individual has complained, testified, assisted, or otherwise participated in any aspect of an investigation, proceeding, or hearing.".

(d) ADDITIONAL REQUIREMENTS.—Section 485 (20 U.S.C. 1092) is amended by adding at the end the following new subsections:

"(h) TRANSFER OF CREDIT POLICIES.—

"(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the transfer of credit policies established by the institution which shall include a

statement of the institution's current transfer of credit policies that includes, at a minimum—

"(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

"(B) a list of institutions of higher education with which the institution has established an articulation agreement.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

"(A) authorize the Secretary or the National Advisory Committee on Institutional Quality and Integrity to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

"(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

"(C) limit the application of the General Education Provisions Act; or

"(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

"(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

"(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

"(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:

"(i) the number of fires and the cause of each fire;

"(ii) the number of injuries related to a fire that result in treatment at a medical facility;

"(iii) the number of deaths related to a fire; and

"(iv) the value of property damage caused by a fire;

"(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

"(C) the number of regular mandatory supervised fire drills;

"(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

"(E) plans for future improvements in fire safety, if determined necessary by such institution.

"(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis submit to the Secretary a copy of the statistics required to be made available under subparagraph (A).

"(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall—

"(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

"(B) make annual reports to the campus community on such fires.

"(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

"(A) make such statistics submitted to the Secretary available to the public; and

"(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

"(i) identify exemplary fire safety policies, procedures, programs, and practices;

"(ii) disseminate information to the Administrator of the United States Fire Administration;

"(iii) make available to the public information concerning those policies, procedures, programs, and practices that have

proven effective in the reduction of fires; and

"(iv) develop a protocol for institutions to review the status of their fire safety systems.

"(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

"(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

"(B) affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

"(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

"(D) establish any standard of care.

"(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees

regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

"(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

"(8) RETALIATION PROHIBITED.—No participating institution or officer, employee, or agent of the institution shall intimidate, threaten, coerce, or otherwise discriminate against any individual for the purpose of interfering with the implementation of any provision of this subsection, or any rights or privileges accorded under this subsection, or because the individual has complained, testified, assisted, or otherwise participated in any aspect of an investigation, proceeding, or hearing.

"(j) MISSING PERSON PROCEDURES.—

"(1) FORM AND PROTOCOLS.—Each institution of higher education participating in any program under this title shall—

"(A) include on its form for registration or enrollment of students an item in which the student can elect to identify an individual to be notified and police to be notified by the university within 24 hours of when a student is reported missing to the university, and

"(B) establish protocols for missing students that—

"(i) require any missing person report relating to any student be referred to the institution's police or campus security department; and

"(ii) if, on investigation of the report, such department determines that the missing person has been missing for more than 24 hours, require—

"(I) such department to refer to the item on the registration document required under subparagraph (A) and contact the individual named by the student in such item; and

"(II) if the student is under 18 years of age, the institution of higher education to automatically contact the parents of such student.

"(2) WAIVER.—The item required by paragraph (1)(A) shall explicitly and prominently state that by identifying an individual to contact in the case of disappearance, the student waives any right to sue based on Federal or State privacy law in the event that a missing persons notification is made to the individual named by such student in such item.

"(3) ADDITIONAL REMEDIES PERMITTED.—Nothing in this subsection shall be construed to prevent or discourage an institution of higher education from taking additional measures with respect to missing students beyond those required by this subsection.

"(k) NOTICE TO STUDENTS CONCERNING PENALTIES FOR DRUG VIOLATIONS.—

"(1) NOTICE UPON ENROLLMENT.—Each institution of higher education shall provide to each student, upon enrollment, a separate, clear, and conspicuous written notice that advises the student of the penalties under section 484(r).

"(2) NOTICE AFTER LOSS OF ELIGIBILITY.—Within two weeks of notification by the Secretary that a student has lost eligibility under section 484(r) for any grant, loan, or work assistance, an institution of higher education shall provide to each

such student affected by the penalties listed under 484(r)(1) a separate, clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which the student can regain eligibility under section 484(r)(2).''.

(e) DISCLOSURE OF ATHLETICALLY RELATED GRADUATION RATES.—Section 485(e)(3) (20 U.S.C. 1092(e)(3)) is amended to read as follows:

''(3) For purposes of this subsection, institutions may—

''(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases in which the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at an institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in

paragraph (1) the time period during which such students were not enrolled due to the service described in subparagraph (A) of this paragraph.''.

SEC. 489. ARTICULATION AGREEMENTS.

Part G of title IV is amended by inserting after section 486 (20 U.S.C. 1093) the following new section:

''SEC. 486A. ARTICULATION AGREEMENTS.

''(a) PROGRAM TO ENCOURAGE ARTICULATION AGREEMENTS.—

''(1) PROGRAM ESTABLISHED.—The Secretary shall carry out a program for States, in cooperation with public institutions of higher education, to develop, enhance, and implement comprehensive articulation agreements among such institutions in a State, and (to the extent practicable) across State lines, by 2010. Such articulation agreements shall be made widely and publicly available on the websites of States and institutions. In developing, enhancing, and implementing articulation agreements, States and public institutions of higher education may employ strategies, where applicable, including—

''(A) common course numbering;

''(B) a general education core curriculum;

"(C) management systems regarding course equivalency, transfer of credit, and articulation; and

"(D) other strategies identified by the Secretary.

"(2) TECHNICAL ASSISTANCE PROVIDED.—The Secretary shall provide technical assistance to States and institutions of higher education for the purposes of developing and implementing articulation agreements in accordance with this subsection.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to articulation agreements.

"(b) STUDY REQUIRED.—The Secretary shall conduct a study to review the articulation agreements at State-based college and university systems, including junior or community colleges, as well as those at other institutions of higher education. Such study shall consider—

"(1) the extent to which States and institutions have developed and implemented articulation agreements;

"(2) with respect to the articulation agreements developed—

"(A) the number and types of institutions participating the programs offered;

"(B) the cost-savings to the participating institutions and to the students;

"(C) what strategies are being employed, including common course numbering, general education core curriculum, and management systems;

"(D) the effective use of technologies to contain costs, maintain quality of instruction, and inform students; and

"(E) a description of the students to whom the articulation agreements are offered and, to the extent practicable, a description of the students who take advantage of the articulation agreements;

"(3) best practices and innovative strategies employed to implement effective articulation agreements; and

"(4) barriers to the implementation of articulation agreements, including technological and informational barriers.

"(c) REPORT.—The Secretary shall submit to the authorizing committees an interim report on the study required by this section not later than 2 years after the date

of enactment of the College Opportunity and Affordability Act of 2008 and a final report on such study not later than January 1, 2013.

"(d) DEFINITION.—In this section, the term 'articulation agreement' means an agreement between institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree or program requirements.".

SEC. 490. PROGRAM PARTICIPATION AGREEMENTS.

(a) ADDITIONAL REQUIREMENTS.—Section 487(a) (20 U.S.C. 1094(a)) is amended—

(1) by adding at the end of paragraph (23) the following new subparagraph:

"(D) The institution shall be considered in compliance with the requirements of subparagraph (A) for each student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, provided such information is in an electronic message devoted exclusively to voter registration."; and

(2) by adding at the end the following new paragraphs:

"(24)(A) A covered institution that has entered into a preferred lender arrangement will compile, maintain, and make available for students attending the institution (or the parents of such students) a list, in print or any other medium, of the specific lenders for educational loans that the institution recommends, promotes, or endorses in accordance with such preferred lender arrangement. In compiling, maintaining, and making available such list, the institution will—

"(i) clearly and fully disclose on such list—

"(I) no less than the information required to be disclosed in the model disclosure form, or updated model disclosure form, required under section 153;

"(II) why the institution has entered into a preferred lender arrangement with each listed lender, particularly with respect to terms and conditions favorable to the borrower; and

"(III) that the students attending the institution (or the parents of such students) do not have to borrow from a listed lender;

"(ii) ensure, through the use of the list provided by the Secretary under subparagraph (B), that—

"(I) there are not less than 3 lenders of loans made under part B that are not affiliates of each other included on such list and, if the institution recommends, promotes, or endorses private educational loans, there are not less than 2 lenders of private educational loans that are not affiliates of each other included on such list;

"(II) the list under this subparagraph—

"(aa) specifically indicates, for each listed lender, whether the lender is or is not an affiliate of each other lender on the list; and

"(bb) if a lender is an affiliate of another lender on the list, describes the details of such affiliation;

"(iii) prominently disclose the method and criteria used by the institution in selecting lenders with which to enter into preferred lender arrangements to ensure that such lenders are se-

lected on the basis of the benefits provided to borrowers, including—

"(I) highly competitive interest rates, terms, or conditions of Federal and private educational loans;

"(II) high-quality servicing for such loans; or

"(III) additional benefits beyond the standard terms and conditions for such loans;

"(iv) exercise a duty of care and a duty of loyalty to compile the list under this subparagraph without prejudice and for the sole benefit of the students attending the institution (or the parents of such students);

"(v) not deny or otherwise impede the borrower's choice of a lender or cause unnecessary delays in loan certification under this title for those borrowers who choose a lender that has not been recommended, promoted, or endorsed by the institution; and

"(vi) comply with such other requirements as the Secretary may prescribe by regulation.

"(B) The Secretary shall maintain and update a list of lender affiliates of all eligible lenders, and

1 shall provide such list to the institutions for use in
2 carrying out subparagraph (A).
3 "(C) For the purposes of subparagraph (A)—
4 "(i) the term 'affiliate' means a person
5 that controls, is controlled by, or is under com-
6 mon control with another person;
7 "(ii) a person controls, is controlled by, or
8 is under common control with another person
9 if—
10 "(I) the person directly or indirectly,
11 or acting through 1 or more others, owns,
12 controls, or has the power to vote 5 per-
13 cent or more of any class of voting securi-
14 ties of such other person;
15 "(II) the person controls, in any man-
16 ner, the election of a majority of the direc-
17 tors or trustees of such other person; or
18 "(III) the Secretary determines (after
19 notice and opportunity for a hearing) that
20 the person directly or indirectly exercises a
21 controlling interest over the management
22 or policies of such other person;
23 "(iii) the term 'preferred lender arrange-
24 ment' has the meaning provided in section 151;
25 and

"(iv) the term 'educational loans' has the meaning provided in section 151, except that such term does not include loans under section 499(b) or under parts D or E of this title.

"(25) The institution will submit to the Secretary annually, in such form as the Secretary may prescribe, data on—

"(A) the number and percentage of students taking classes in whole or in part on-line or through distance education;

"(B) of such students, the number and percentage of those taking their classes exclusively on-line or through distance education; and

"(C) the number and percentage of courses offered by the institution that are offered on-line or through distance education.".

(b) REPORTS ON DISCIPLINARY PROCEEDINGS.—

(1) AMENDMENT.—Section 487(a) (20 U.S.C. 1094(a)) is further amended by adding after paragraph (25), as added by subsection (a) of this section, the following new paragraph:

"(26) The institution will, upon request, disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18),

or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any disciplinary proceeding conducted by such institution on or after one year after the date of enactment of this Act.

(c) ENFORCING THE 90/10 RULE.—

(1) AMENDMENT.—Section 487(a) (20 U.S.C. 1094(a)) is further amended by adding at the end the following new paragraph:

''(27) A proprietary institution of higher education (as defined in section 102(b)) will, as calculated in accordance with subsection (f)(1) of this section, have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (f)(2) of this section.''.

(2) IMPLEMENTATION.—Section 487 is further amended by adding at the end the following new subsection:

"(f) IMPLEMENTATION OF NON-TITLE IV REVENUE REQUIREMENT.—

"(1) CALCULATION.—In carrying out subsection (a)(27), a proprietary institution of higher education shall—

"(A) use the cash basis of accounting;

"(B) consider as revenue only those funds generated by the institution from—

"(i) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under this title;

"(ii) activities conducted by the institution, to the extent not included in tuition, fees, and other institutional charges, that are necessary for the education or training of its students who are enrolled in programs eligible for assistance under this title, if such activities are—

"(I) conducted on campus or at a facility under the control of the institution;

1 "(II) performed under the super-
2 vision of a member of the institution's
3 faculty; and
4 "(III) required to be performed
5 by all students in a specific edu-
6 cational program at the institution;
7 and
8 "(iii) funds paid by a student, or on
9 behalf of a student by a party other than
10 the institution, for an education or training
11 program that is not eligible for funds
12 under this title, provided that the program
13 is approved or licensed by the appropriate
14 State agency and is accredited by an ac-
15 crediting agency recognized by the Sec-
16 retary;
17 "(C) presume that any title IV program
18 funds disbursed or delivered to or on behalf of
19 a student will be used to pay the student's tui-
20 tion, fees, or other institutional charges, regard-
21 less of whether the institution credits those
22 funds to the student's account or pays those
23 funds directly to the student, except to the ex-
24 tent that the student's tuition, fees, or other in-
25 stitutional charges are satisfied by—

"(i) grant funds provided by non-Federal public agencies or private sources independent of the institution;

"(ii) funds provided under a contractual arrangement with Federal, State, or local government agencies for the purpose of providing job training to low-income individuals who are in need of that training; or

"(iii) funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986, provided that the institution can reasonable demonstrate such funds were used to pay the student's tuition, fees, or other institutional charges;

"(D) include institutional aid as revenue to the school only as follows:

"(i) in the case of loans made by an institution, for each of the institution's fiscal years 2009 through 2012, the principal amount of loans made by the institution, based on the expected interest earned less

the estimated amount to account for future defaults and loan forgiveness accounted for on an accrual basis, in accordance with Generally Accepted Accounting Principles and related standards and guidance, if the loans are bona fide as evidenced by enforceable promissory notes, are issued at intervals related to the institution's enrollment periods, and are subject to regular loan repayments and collections;

''(ii) in the case of loans made by an institution, for the institution's fiscal year 2013 and each of the institution's subsequent fiscal years, only the amount of loan repayments received during the fiscal year; and

''(iii) in the case of institutional scholarships, only those provided by the institution in the form of monetary aid or tuition discounts based upon the academic achievements or financial need of students, disbursed during the fiscal year from an established restricted account, and only to the extent that funds in that account represent designated funds from an outside

source or from income earned on those funds;

"(E) exclude from revenues—

"(i) the amount of funds it received under the Federal Work-Study program, unless the institution used those funds to pay a student's institutional charges;

"(ii) the amount of funds it received under the Leveraging Education Assistance Partnership program;

"(iii) the amount of institutional funds it used to match title IV program funds;

"(iv) the amount of title IV program funds that must be refunded or returned; or

"(v) the amount charged for books, supplies, and equipment unless the institution includes that amount as tuition, fees, or other institutional charges.

"(2) SANCTIONS.—

"(A) An institution that fails to meet the requirements of subsection (a)(27) for 2 consecutive fiscal years shall become ineligible to participate in the programs authorized by this

1 title. To regain eligibility to participate in the
2 programs authorized by this title, an institution
3 that loses its eligibility as a sanction under this
4 subparagraph must demonstrate compliance
5 with all eligibility requirements for at least the
6 3 fiscal years following the fiscal year the insti-
7 tution became ineligible.

8 ''(B) In addition to such other means of
9 enforcing the requirements of this title as may
10 be available to the Secretary, if an institution
11 fails to meet the requirements of subsection
12 (a)(27) in any fiscal year, the Secretary shall
13 impose sanctions on the institution, which shall
14 include—

15 ''(i) placing the institution on provi-
16 sional certification in accordance with sec-
17 tion 498(h) until the institution dem-
18 onstrates, to the satisfaction of the Sec-
19 retary, that it is in compliance with sub-
20 section (a)(27);

21 ''(ii) requiring the institution to pro-
22 vide to the Secretary satisfactory evidence
23 of its financial responsibility in accordance
24 with section 498(c)(3); and

"(iii) requiring such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

"(3) PUBLICATION ON COLLEGE NAVIGATOR WEBSITE.—The Secretary shall publicly disclose the identity of any institution that fails to meet the requirements of subsection (a)(27) on the College Navigator website.

"(4) REPORT TO CONGRESS.—The Secretary shall annually submit to the authorizing committees a report that contains, for each institution subject to the requirement of subsection (a)(27), the result of the calculation of revenue performed by each such institution pursuant to such subsection and paragraph (1) of this subsection.".

(d) COMPUTER DISPOSAL.—Section 487(a) is further amended by adding at the end the following new paragraph:

"(28)(A) The institution of higher education will establish a policy on the disposal or disposition (including selling, donating, returning upon lease end, or destroying by recycling), of all technology as-

sets which may have personal and sensitive data of students. Such policy may include a forensic scrub that ensures total destruction of data on the technology assets and include a designated for disposal or disposition, transfer ownership and liability from that institution to State and federally approved recyclers or de-manufacturers of such equipment.

''(B) For purposes of this paragraph, the term 'technology assets' means a computer central processing unit, monitor, printer, router, server, peripheral devices (such as switches, hubs, and systems), firewalls, telephones, or other simple network devices or single piece of information technology equipment.''.

(e) COMMITMENT TO AND NOTICE OF TUITION LEVELS.—

(1) AMENDMENT.—Section 487(a) is further amended by adding at the end the following new paragraph:

''(29)(A) The institution will provide to each admitted student considering an undergraduate or graduate program—

''(i) a multi-year tuition and fee schedule; or

"(ii) a single-year tuition and fee schedule, and nonbinding, multi-year estimate of net costs after all financial aid is awarded, assuming constant family and student income, assets, and relevant circumstances.

"(B) Multi-year schedules and estimates required by subparagraph (A)—

"(i) may include a percentage or dollar increase or decrease of any size the institution deems appropriate from one year to the next; and

"(ii) shall indicate, on a year-by-year basis, costs for the normal duration of the relevant student's undergraduate or graduate program.

"(C) Institutions that elect a single-year tuition and fee schedule under subparagraph (A)(ii) shall include with each multi-year estimate the average deviation, in percentage terms, between previous year estimates and actual net costs for students at their institution.

"(D) The Secretary shall waive the requirements of subparagraph (A), and of the commitment made therender, if the institution demonstrates to the Secretary that the requirements of subparagraph (A) are not practicable because of the occurrence of

one or more events causing the institution severe economic distress, dramatic reduction of State or Federal aid, or any other circumstance the Secretary deems valid.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall be effective on July 1, 2009.

(f) AUDITS; FINANCIAL RESPONSIBILITY; ENFORCEMENT OF STANDARDS.—Section 487(c)(1)(A) (20 U.S.C. 1094(c)(1)(A)) is amended—

(1) in clause (i)—

(A) by striking ''clauses (ii) and (iii)'' and inserting ''clauses (ii), (iii), and (iv)''; and

(B) by inserting before the semicolon at the end the following: '', except that the Secretary may modify the requirements of this clause with respect to institutions of higher education that are foreign institutions, and may waive such requirements with respect to a foreign institution whose students receive less than $500,000 in loans under this title during the award year preceding the audit period'';

(2) in clause (ii), by striking ''or'' after the semicolon;

(3) in clause (iii), by inserting ''or'' after the semicolon; and

(4) by inserting after clause (iii) the following new clause:

"(iv) with respect to an eligible institution that is audited under clause (i), and for which it is determined through such audit that the percentage of students enrolled at the institution who were accepted for enrollment and made eligible for student financial assistance under this title by way of section 484(d)(2) exceeds 5 percent of the total enrollment of the institution for such academic year, an additional review to confirm that the institution is in compliance with the regulations prescribed by the Secretary under section 484(d);".

(f) INSTITUTIONAL CERTIFICATIONS FOR PRIVATE EDUCATIONAL LOANS.—Section 487(a) is further amended by adding at the end the following new paragraph:

"(29)(A) The institution will—

"(i) upon the request of a private educational lender, acting in connection with an application initiated by a consumer for a private educational loan, provide certification to such private educational lender—

"(I) that the student who initiated the application for the private

educational loan, or on whose behalf the application was initiated, is enrolled or is scheduled to enroll at the institution;

"(II) of the student's cost of attendance at the institution as determined under part F of this title; and

"(III) of the difference between the cost of attendance of the institution and the student's estimated financial assistance received under this title and other assistance known to the institution;

"(ii) disclose a borrower's ability to select a private educational lender of the borrower's choice; and

"(iii) inform students about the impact of a proposed private educational loan on the students' potential eligibility for other financial assistance, including Federal financial assistance under this title.

"(B) For purposes of this paragraph, the terms 'private educational lender' and 'private educational loan' have the meanings given in section 140 of the Truth in Lending Act (15 U.S.C. 1631 et seq.).".

SEC. 491. REGULATORY RELIEF AND IMPROVEMENT.

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—The Secretary shall continue the voluntary participation of any experimental sites in existence as of July 1, 2007, unless the Secretary determines that such site's participation has not been successful in carrying out the purposes of this section. Any activities approved by the Secretary prior to such date that have not been successful in carrying out the purposes of this section shall be discontinued not later than June 30, 2009.";

(2) by striking the matter preceding paragraph (2)(A) and inserting the following:

"(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—"; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "Upon the submission of the report required by paragraph (2), the" and inserting "The"; and

(ii) by inserting ''periodically'' after ''authorized to'';

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting '', including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492'' after ''requirements in this title'';

(ii) by inserting ''(other than an award rule related to an experiment in modular or compressed schedules)'' after ''award rules''; and

(iii) by inserting ''unless the waiver of such provisions is authorized by another

provision under this title'' before the period at the end.

SEC. 492. TRANSFER OF ALLOTMENTS.

Section 488 (20 U.S.C. 1095) is amended by striking ''section 413D.'' and inserting ''section 413D or 462 (or both).''.

SEC. 493. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(D) to provide knowledge and understanding of early intervention programs and make recommendations that will result in early awareness by low- and moderate-income students and families of their eligibility for assistance under this title, and, to the extent practicable, their eligibility for other forms of State and institutional need-based student assistance; and

"(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions, and private entities to increase the awareness and total amount of need-based student assistance available to low- and moderate-income students.";

(2) in subsection (d)—

(A) in paragraph (6), by striking ", but nothing in this section shall authorize the committee to perform such studies, surveys, or analyses";

(B) in paragraph (8), by striking "and" after the semicolon;

(C) by redesignating paragraph (9) as paragraph (10); and

(D) by inserting after paragraph (8) the following:

"(9) monitor the adequacy of total need-based aid available to low- and moderate-income students from all sources, assess the implications for access and persistence, and report those implications annually to Congress and the Secretary; and";

(3) in subsection (j)(1)—

(A) by inserting ''and simplification'' after ''delivery processes''; and

(B) by striking '', including the implementation of a performance-based organization within the Department, and report to Congress regarding such modernization on not less than an annual basis''; and

(4) in subsection (k), by striking ''2004'' and inserting ''2011''.

SEC. 494. NEGOTIATED RULEMAKING.

Section 492(b)(1) (20 U.S.C. 1098a(b)(1)) is amended by striking ''from individuals nominated by groups described in subsection (a)(1)'' and inserting ''from individuals who are nominated by groups described in subsection (a)(1) and who have recognized legitimacy as designated representatives of major stakeholders, sectors, and constituencies in the higher education community''.

SEC. 495. TECHNICAL AMENDMENT.

Section 493C(b)(1) (20 U.S.C. 1098e(b)(1)) is amended by striking ''or is already in default''.

SEC. 495A. CAMPUS-BASED DIGITAL THEFT PREVENTION.

Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by adding at the end the following new section:

"SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.

''(a) IN GENERAL.—Each eligible institution participating in any program under this title shall to the extent practicable—

''(1) make publicly available to their students and employees, the policies and procedures related to the illegal downloading and distribution of copyrighted materials required to be disclosed under section 485(a)(1)(P); and

''(2) develop a plan for offering alternatives to illegal downloading or peer-to-peer distribution of intellectual property as well as a plan to explore technology-based deterrents to prevent such illegal activity.

''(b) GRANTS.—

''(1) PROGRAM AUTHORITY.—The Secretary may make grants to institutions of higher education, or consortia of such institutions, and enter into contracts with such institutions, consortia, and other organizations, to develop, implement, operate, improve, and disseminate programs of prevention, education, and cost-effective technological solutions, to reduce and eliminate the illegal downloading and distribution of intellectual property. Such grants or contracts may also be used for the support of a higher education centers that will provide training, tech-

nical assistance, evaluation, dissemination, and associated services and assistance to the higher education community as determined by the Secretary and institutions of higher education.

"(2) AWARDS.—Grants and contracts shall be awarded under paragraph (1) on a competitive basis.

"(3) APPLICATIONS.—An institution of higher education or a consortium of such institutions that desires to receive a grant or contract under paragraph (1) shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.".

PART H—PROGRAM INTEGRITY

SEC. 496. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

(a) AMENDMENTS.—Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) by striking "(4) such agency" and insert "(4)(A) such agency";

(ii) by inserting "and" after the semicolon at the end; and

(iii) by adding at the end the following new subparagraph:

"(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

"(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in paragraph (5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph, nor shall the agency or association be required to obtain the approval of the Secretary to expand its scope of accreditation to include distance education, provided that the

agency or association notifies the Secretary in writing of the change in scope; and

"(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit;";

(B) in paragraph (5), by amending subparagraph (A) to read as follows:

"(A) success with respect to student achievement in relation the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations, consideration of course completion, and job placement rates;";

(C) by striking paragraph (6) and inserting the following:

"(6) such agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal

proceedings which comply with due process procedures that provide for—

"(A) adequate specification of requirements, including clear and consistent standards for an institution to be accredited, and deficiencies at the institution of higher education or program examined;

"(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;

"(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, at a hearing prior to such action becoming final, before an appeals panel that—

"(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

"(ii) is subject to a conflict of interest policy; and

"(D) the right to representation by counsel for such an institution during an appeal of the adverse action;"; and

(D) by striking paragraph (8) and inserting the following:

"(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

"(A) the award of accreditation or reaccreditation of an institution;

"(B) final denial, withdrawal, suspension, or termination of accreditation, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

"(C) any other adverse action taken with respect to an institution;

"(9) such agency or association confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

"(A) that are publicly disclosed; and

"(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education;

"(10) such agency or association reviews and takes into consideration the institution's response in any review or determination, and includes in any determination a written statement addressing the institution's response and stating the basis for such determination, and a copy of the institution's response; and

"(11) such agency or association shall not make a determination or take adverse action based upon an unpublished or undocumented policy, practice, or precedent.";

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", including those regarding distance education" after "their responsibilities";

(B) by redesignating paragraphs (2) through (6) as paragraphs (4) through (8); and

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

"(2) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

"(3) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events—

"(A) the Department notifies the accrediting agency of an action against the institution pursuant to section 487(d);

"(B) the accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution; and

"(C) the institution notifies the accrediting agency that the institution intends to cease operations;";

(3) in subsection (g), by adding at the end the following: "Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement."; and

(4) in subsection (o), by adding at the end the following: "Notwithstanding any other provision of

law, the Secretary shall not promulgate any regulation with respect to subsection (a)(5).''.

(b) RULE OF CONSTRUCTION.—Section 496 is further amended by adding at the end the following new subsection:

''(p) RULE OF CONSTRUCTION.—Nothing in subsection (a)(5) of this section shall restrict the authority of—

''(1) an accrediting agency or association to set, with the involvement of its members, and to apply accreditation standards to institutions or programs that seek review by the agency or association; or

''(2) an institution to develop and use institutional standards to show its success with respect to student achievement, which shall be considered as part of any accreditation review.''.

(c) ADDITIONAL AMENDMENT.—Section 496(a)(4)(A) as amended by subsection (a) is further amended by inserting after ''consistently applies and enforces standards'' the following: ''that respect the stated mission of the institution of higher education, including religious missions, and''.

SEC. 497. ACCREDITATION OMBUDSMAN.

Subpart 2 of part H of title IV is amended by inserting after section 496 (20 U.S.C. 1099b) the following new section:

"SEC. 497. ACCREDITATION OMBUDSMAN.

"(a) APPOINTMENT.—The Assistant Secretary for Postsecondary Education, in consultation with the Secretary, shall appoint an Accreditation Ombudsman to provide timely assistance to institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process who may have grievances related to the functions described in subsection (c).

"(b) PUBLIC INFORMATION.—The Assistant Secretary for Postsecondary Education shall disseminate information about the availability and functions of the Ombudsman to institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process.

"(c) FUNCTIONS OF OMBUDSMAN.—The Ombudsman appointed under this section shall—

"(1) in accordance with regulations of the Secretary, receive, review, and attempt to resolve complaints from institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process described in subsection (a), including, as appropriate, attempts to

resolve such complaints within the Department of Education and with institutions of higher education, accreditation agencies and associations, and other participants in title IV programs; and

''(2) compile and analyze data on institutions of higher education and accrediting agency and association complaints and make appropriate recommendations.

''(d) REPORT.—Each year, the Ombudsman shall submit a report to the Assistant Secretary for Postsecondary Education, for inclusion in the annual report under section 114, that describes the activities, and evaluates the effectiveness of the Ombudsman during the preceding year.''.

SEC. 498. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(6) provide the institution adequate opportunity to review and respond to any program review

report or audit finding before any final program review or audit determination is reached, including access to any and all workpapers, notes, documentation, records, or other information relating to the program review report or audit finding;

''(7) review and take into consideration the institution's response in any final program review or audit determination, and include in the final determination a written statement addressing the institution's response and stating the basis for such final determination, and a copy of the institution's response; and

''(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review determination has been issued.''.

SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM EVALUATION.

Section 499 (as added by section 701 of the College Cost Reduction and Access Act of 2007) is amended by adding at the end the following new subsections:

''(c) REQUIRED INITIAL EVALUATION.—The Secretary and Secretary of the Treasury shall jointly conduct an evaluation, in consultation with the Office of Manage-

ment and Budget, the Congressional Budget Office, and the Comptroller General, of the pilot program carried out by the Secretary under this section. The evaluation shall determine—

"(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the PLUS loan program under section 428B in the absence of the pilot program;

"(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

"(3) the number and volume of loans made under the pilot in each State;

"(4) the effect of the transition to and operation of the pilot program on the ability of—

"(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

"(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

"(C) parents to obtain loans made through the pilot program in a timely and efficient manner;

"(5) the differential impact, if any, of the auction among the States, including between rural and non-rural States;

"(6) the feasibility of using the mechanism piloted to operate the other loan programs under part B of this title;

"(7) the feasibility of using other market mechanisms to operate the loan programs under part B of this title, including the sale of securities backed by federally owned student loan assets originated by banks acting as agents of the Federal Government; and

"(8) the feasibility of a specific alternative market-based mechanism that will—

"(A) determine lender returns;

"(B) result in reduced Federal costs on a program-wide basis, on loans made, insured, or guaranteed under part B of this title, excluding from consideration the Federal PLUS loans described in section 428B that are the subject of the competitive loan auction pilot program under this section;

"(C) include not more than—

"(i) 10 percent of the annual loan volume under this part B of this title during the first year of the alternative pilot program; and

"(ii) 20 percent of the annual loan volume under this part B of this title during the subsequent years of the alternative pilot program;

"(D) permit participation in any alternative auction-based pilot program on a voluntary basis for eligible institutions and eligible lenders participating under part B of this title prior to July 1, 2007; and

"(E) provide for all savings to the United States Treasury generated by such alternative pilot program to be distributed to institutions participating under this section on a basis proportionate to loan volume under such part for supplemental, need-based financial aid, except than an institution that is operating as an eligible lender under section 435(d)(2) shall not be eligible for any such distribution.

"(d) REPORTS.—The Secretary and the Secretary of the Treasury shall submit to the authorizing committees—

"(1) not later than September 1, 2010, a preliminary report regarding the findings of the evaluation described in subsection (c);

"(2) not later than September 1, 2012, an interim report regarding such findings; and

"(3) not later than September 1, 2013, a final report regarding such findings.

"(e) INDEPENDENT EVALUATION.—The Government Accountability Office shall conduct an independent evaluation of any auction or auctions conducted under this section no later than September 1, 2013.".

TITLE V—TITLE V AMENDMENTS

SEC. 501. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 (20 U.S.C. 1101d) the following new part:

"PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

"SEC. 511. PURPOSES.

"The purposes of this part are—

"(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

"(2) to expand the postbaccalaureate academic offerings and enhance the program quality in the institutions that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

"SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

"(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to Hispanic-serving institutions determined by the Secretary to be making substantive contributions to graduate educational opportunities for Hispanic students.

"(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

"(1) is an eligible institution under section 502(a)(2); and

"(2) offers a postbaccalaureate certificate or degree granting program.

"SEC. 513. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for one or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance learning academic instruction

capabilities, including purchase or rental of telecommunications technology equipment or services.

"(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

"(8) Other activities proposed in the application submitted pursuant to section 514 that—

"(A) contribute to carrying out the purposes of this part; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.

"SEC. 514. APPLICATION AND DURATION.

"(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities in programs and professions in which Hispanic Americans are underrepresented.

"(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

"(c) LIMITATION.—The Secretary shall not award more than one grant under this part in any fiscal year to any Hispanic-serving institution.".

(b) COOPERATIVE ARRANGEMENTS.—Section 524(a) (as redesignated by subsection (a)(2)) (20 U.S.C. 1103c(a)) is amended by inserting "and section 513" after "section 503".

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 528 (as redesignated by subsection (a)(2) of this section) (20 U.S.C. 1103g) is amended to read as follows:

"(a) AUTHORIZATIONS.—

"(1) PART A.—There are authorized to be appropriated to carry out part A and part C of this title $175,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) PART B.—There are authorized to be appropriated to carry out part B of this title $125,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

(d) MINIMUM GRANT AMOUNT.—Section 528 (as redesignated by subsection (a)(2) of this section) (20 U.S.C. 1103g) is amended by adding at the end the following:

"(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.".

(e) PART A AUTHORIZED USES OF FUNDS.—Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following new paragraph:

"(14) Providing education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV.".

TITLE VI—TITLE VI AMENDMENTS

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

(a) FINDINGS AND PURPOSES.—Section 601 (20 U.S.C. 1121) is amended—

(1) in subsection (a)(3), by striking "post-Cold War";

(2) in subsection (b)(1), by striking "; and" at the end of subparagraph (D) and inserting ", including through linkages overseas with institutions of

higher education and relevant organizations that contribute to the educational programs assisted under this part; and''; and

(3) in subsection (b)(3) by inserting '', and international business and trade competitiveness'' before the period.

(b) GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.—Section 602(a) (20 U.S.C. 1122(a)) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Secretary is authorized to make grants to institutions of higher education or consortia of such institutions for the purpose of establishing, strengthening, and operating—

''(i) comprehensive foreign language and area or international studies centers and programs; and

''(ii) a diverse network of undergraduate foreign language and area or international studies centers and programs.'';

(2) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (G);

(B) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(C) by inserting after subparagraph (H) the following new subparagraphs:

''(I) supporting instructors of the less commonly taught languages; and

''(J) projects that support in students an understanding of science and technology in coordination with foreign language proficiency.''; and

(3) in paragraph (4)—

(A) by amending subparagraph (B) to read as follows:

''(B) Partnerships or programs of linkage and outreach with 2-year and 4-year colleges and universities, including colleges of education and teacher professional development programs.'';

(B) in subparagraph (C), by striking ''Programs of linkage or outreach'' and inserting ''Partnerships or programs of linkage and outreach'';

(C) in subparagraph (E)—

(i) by striking ''foreign area'' and inserting ''area studies'';

(ii) by striking ''of linkage and outreach''; and

(iii) by striking ''(C), and (D)'' and inserting ''(D), and (E)'';

(D) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(E) by inserting after subparagraph (B) the following new subparagraph:

''(C) Partnerships with local educational agencies and public and private elementary and secondary education schools that are designed to increase student academic achievement in foreign language and knowledge of world regions, and to facilitate the wide dissemination of materials related to area studies.''.

(c) FELLOWSHIPS FOR FOREIGN LANGUAGE AND AREA OR INTERNATIONAL STUDIES.—Section 602(b) (20 U.S.C. 1122(b)) is amended—

(1) by inserting ''AND UNDERGRADUATE'' after ''GRADUATE'' in the subsection heading; and

(2) by striking paragraph (2) and inserting the following:

"(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program, including predissertation level studies, preparation for dissertation research, dissertation research abroad, and dissertation writing, and—

"(A) in the case of graduate fellowships, activities in connection with a program described in this paragraph may include predissertation level studies, preparation for dissertation research, dissertation research abroad, and dissertation writing; or

"(B) in the case of undergraduate fellowships, students may be allowed to use their fellowships abroad for intermediate or advanced study of a less commonly taught language.".

(d) LANGUAGE RESOURCE CENTERS.—Section 603(c) (20 U.S.C. 1123(c)) is amended by inserting ''reflect the purposes of this part and'' after ''shall''.

(e) UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.—Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)(1), by striking ''combinations'' each place it appears and inserting ''consortia'';

(2) in subsection (a)(2)—

(A) in subparagraph (B)(ii), by striking ''teacher training'' and inserting ''teacher professional development'';

(B) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively;

(C) by inserting after subparagraph (H) the following new subparagraph:

''(I) the provision of grants for educational programs abroad that are closely linked to the program's overall goals and have the purpose of promoting foreign language fluency and knowledge of world regions, except that not more than 10 percent of a grant recipient's funds may be used for this purpose;''; and

(D) in subparagraph (M)(ii) (as redesignated by subparagraph (B) of this paragraph), by striking ''elementary and secondary education institutions'' and inserting ''local educational agencies and public and private elementary and secondary education schools'';

(3) in subsection (a)(4)(B), by inserting ''that demonstrates a need for a waiver or reduction'' before the period at the end;

(4) in subsection (a)(6), by inserting ''reflect the purposes of this part and'' after ''shall'';

(5) in subsection (a)(8), by striking ''may'' and inserting ''shall''; and

(6) by striking subsection (c).

(f) RESEARCH; STUDIES; ANNUAL REPORT.—Section 605(a) (20 U.S.C. 1125(a)) is amended by inserting before the period at the end of the first sentence the following: '', including the systematic collection, analysis, and dissemination of data''.

(g) TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.—Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking ''or consortia of such institutions or libraries'' and inserting ''or partner-

ships between such institutions or libraries and nonprofit educational organizations including museums''; (B) by striking ''new''; and (C) by inserting ''from foreign sources'' after ''disseminate information''; (2) in subsection (b)— (A) by inserting ''acquire and'' before ''facilitate access'' in paragraph (1); (B) by striking ''new means of'' in paragraph (3) and inserting ''new means and standards for''; (C) by striking ''and'' at the end of paragraph (6); (D) by striking the period at the end of paragraph (7) and inserting a semicolon; and (E) by inserting after paragraph (7) the following new paragraphs:

''(8) to establish linkages between grant recipients under subsection (a) with libraries, museums, organizations, or institutions of higher education located overseas to facilitate carrying out the purposes of this section; and

"(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section."; and

(3) by adding at the end the following new subsection:

"(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

"(1) are eligible to receive assistance under part A or B of title III or under title V; and

"(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.".

(h) SELECTION OF GRANT RECIPIENTS.—Section 607(b) (20 U.S.C. 1127(b)) is amended—

(1) by striking "objectives" and inserting "missions"; and

(2) by adding at the end the following new sentence: "In keeping with the purposes of this part, the Secretary shall take into account the degree to which activities of centers, programs, and fellowships at institutions of higher education address national needs, generate and disseminate information, and foster debate on international issues.".

(i) EQUITABLE DISTRIBUTION.—Section 608(a) (20 U.S.C. 1128(a)) is amended by adding at the end the following new sentence: ''Grants made under section 602 shall also reflect the purposes of this part.''.

(j) AUTHORIZATION OF APPROPRIATIONS.—Section 610 (20 U.S.C. 1128b) is amended by striking ''1999'' and inserting ''2009''.

(k) CONFORMING AMENDMENTS.—

(1) Sections 603(a), 604(a)(5), and 612 (20 U.S.C. 1123(a), 1124(a)(5), 1130–1) are each amended by striking ''combinations'' each place it appears and inserting ''consortia''.

(2) Section 612 (20 U.S.C. 1130–1) is further amended by striking ''combination'' each place it appears and inserting ''consortium''.

SEC. 602. BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

(a) CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.—Section 612 (20 U.S.C. 1130–1) is further amended—

(1) in subsection (a)(1)(C), by inserting ''manufacturing software systems, technology management,'' after ''commerce,'';

(2) in subsection (c)(2)(E), by inserting ''(including those that are eligible to receive assistance

under part A or B of title III or under title V)'' after ''other institutions of higher education'';

(3) in subsection (c)(2)—

(A) by striking ''and'' at the end of subparagraph (E); and

(B) by inserting the following new subparagraph after subparagraph (E) (and redesignating the succeeding subparagraph):

''(F) programs encouraging the advancement and understanding of cultural, technological management, and manufacturing software systems practices between institutions of higher education in the United States and countries with existing partnerships with other countries, including those in Asian countries focused on this industry; and''; and

(4) in subsection (e), by adding at the end the following new paragraph:

''(5) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

''(A) are eligible to receive assistance under part A or B of title III or under title V; and

"(B) have submitted a grant application under this section that demonstrates a need for a waiver or reduction, as determined by the Secretary.".

(b) EDUCATION AND TRAINING PROGRAMS.—Section 613 (20 U.S.C. 1130a) is amended by adding at the end the following new subsection:

"(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

"(1) are eligible to receive assistance under part A or B of title III or under title V; and

"(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction, as determined by the Secretary.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 614 (20 U.S.C. 1130b) is amended by striking "1999" each place it appears and inserting "2009".

SEC. 603. INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

(a) FOREIGN SERVICE PROFESSIONAL DEVELOPMENT.—Section 621 (20 U.S.C. 1131) is amended—

(1) by striking the heading of such section and inserting the following:

"SEC. 621. PROGRAM FOR FOREIGN SERVICE PROFESSIONALS.";

(2) by striking the second sentence of subsection (a) and inserting the following: ''The Institute shall conduct a program to enhance the international competitiveness of the United States by increasing the participation of underrepresented populations in the international service, including private international voluntary organizations, the international commercial service, and the foreign service of the United States.''; and

(3) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

''(A) A Tribally Controlled College or University or Alaska Native or Native Hawaiian-serving institution eligible for assistance under title III, an institution eligible for assistance under part B of title III, or a Hispanic-serving institution eligible for assistance under title V.

''(B) An institution of higher education which serves substantial numbers of underrepresented minority students.''.

(b) INSTITUTIONAL DEVELOPMENT.—Section 622(a) (20 U.S.C. 1131–1(a)) is amended by inserting before the period at the end the following: ''and promote collabora-

tion with colleges and universities that receive funds under this title''.

(c) STUDY ABROAD PROGRAM.—Section 623(a) (20 U.S.C. 1131a(a)) is amended by inserting after ''1978,'' the following: ''Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,''.

(d) ADVANCED DEGREE IN INTERNATIONAL RELATIONS.—Section 624 (20 U.S.C. 1131b) is amended—

(1) by striking ''**MASTERS**'' in the heading of such section and inserting ''**ADVANCED**'';

(2) by striking ''a masters degree in international relations'' and inserting ''an advanced degree in international relations, international affairs, international economics, or other academic areas related to the Institute fellow's career objectives''; and

(3) by striking ''The masters degree program designed by the consortia'' and inserting ''The advanced degree study program shall be designed by the consortia, consistent with the fellow's career objectives, and''.

(e) INTERNSHIPS.—Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a), by inserting after ''1978,'' the following: ''Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,'';

(2) in subsection (b)—

(A) by inserting ''and'' after the semicolon at the end of paragraph (2);

(B) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4); and

(3) by amending subsection (c) to read as follows:

''(c) RALPH J. BUNCHE FELLOWS.—In order to assure the recognition and commitment of individuals from underrepresented student populations who demonstrate special interest in international affairs and language study, eligible students who participate in the internship programs authorized under subsections (a) and (b) shall be known as the Ralph J. Bunche Fellows.''.

(f) REPORT.—Section 626 (20 U.S.C. 1131d) is amended by striking ''annually prepare a report'' and inserting ''prepare a report biennially''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 628 (20 U.S.C. 1131f) is amended by striking ''1999'' and inserting ''2009''.

SEC. 604. PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION.

Title VI (20 U.S.C. 1121 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating section 631 (20 U.S.C. 1132) as section 641; and

(3) by inserting after section 628 the following new part:

"PART D—PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION

"SEC. 631. PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that—

''(A) shall include—

''(i) a foreign language department of an institution of higher education; and

''(ii) a local educational agency; and

''(B) may include—

''(i) another foreign language or teacher education department of an institution of higher education;

''(ii) another local educational agency, or an elementary or secondary school;

''(iii) a business;

''(iv) a nonprofit organization of demonstrated effectiveness, including a museum;

"(v) heritage or community centers for language study;

"(vi) language resource centers; or

"(vii) the State foreign language coordinator or State educational agency.

"(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' has the meaning given the term in section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6602).

"(3) ARTICULATED.—The term 'articulated' means that each grade level of the foreign language program is designed to sequentially expand on the student achievement of the previous level with a goal toward achieving an established level of language proficiency.

"(b) PURPOSE.—The purpose of this section is to improve the performance of students in the study of foreign languages by encouraging States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

"(1) upgrade the status and stature of foreign language teaching by encouraging institutions of higher education to assume greater responsibility for improving foreign language teacher education

through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

"(2) focus on education of foreign language teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

"(3) bring foreign language teachers in elementary schools and secondary schools together with linguists or higher education foreign language professionals to increase the subject matter knowledge and improve the teaching skills of teachers through the use of more sophisticated resources that institutions of higher education are better able to provide than such schools; and

"(4) develop more rigorous foreign language curricula that contain—

"(A) professionally accepted standards for elementary and secondary education instruction;

"(B) standards expected for postsecondary study in foreign language; and

"(C) articulated foreign language programs from kindergarten through grade 12 that demonstrate increased competence and proficiency over time and grade.

1 "(c) GRANTS TO PARTNERSHIPS.—

2 "(1) IN GENERAL.—The Secretary may award
3 grants, on a competitive basis, to eligible partner-
4 ships to enable the eligible partnerships to pay the
5 Federal share of the costs of carrying out the au-
6 thorized activities described in this section.

7 "(2) DURATION.—The Secretary shall award
8 grants under this section for a period of 5 years.

9 "(3) FEDERAL SHARE.—The Federal share of
10 the costs of the activities assisted under this section
11 shall be—

12 "(A) 75 percent of the costs for the first
13 year that an eligible partnership receives a
14 grant payment under this section;

15 "(B) 65 percent of such costs for the sec-
16 ond such year; and

17 "(C) 50 percent of such costs for each of
18 the third, fourth, and fifth such years.

19 "(4) NON-FEDERAL SHARE.—The non-Federal
20 share of the costs of carrying out the authorized ac-
21 tivities described in this section may be provided in
22 cash or in kind, fairly evaluated.

23 "(5) PRIORITY.—In awarding grants under this
24 section, the Secretary shall give priority to eligible
25 partnerships—

"(A) that include high-need local educational agencies; or

"(B) that emphasize the teaching of commonly taught and critical foreign languages in an articulated program that demonstrates increased competency and proficiency over grade and time.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CONTENTS.—An application under paragraph (1) shall include—

"(A) an assessment of the teacher quality and professional development needs of all the schools and agencies participating in the eligible partnership with respect to the teaching and learning of foreign languages;

"(B) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to

improve student performance and to strengthen the quality of foreign language instruction; and

"(C) a description of—

"(i) how the eligible partnership will carry out the authorized activities described in subsection (e); and

"(ii) the eligible partnership's evaluation and accountability plan as described in subsection (f).

"(e) AUTHORIZED ACTIVITIES.—An eligible partnership shall use the grant funds provided under this section for 1 or more of the following activities related to elementary schools or secondary schools:

"(1) Creating opportunities for enhanced and ongoing professional development that improves the subject matter knowledge of foreign language teachers.

"(2) Recruiting university students with foreign language majors for teaching.

"(3) Promoting strong teaching skills for foreign language teachers and teacher educators.

"(4) Establishing foreign language summer workshops or institutes (including follow-up) for teachers.

"(5) Establishing distance learning programs for foreign language teachers.

"(6) Designing programs to prepare a teacher at a school to provide professional development to other teachers at the school and to assist novice teachers at such school, including (if applicable) a mechanism to integrate experiences from a summer workshop or institute.

"(7) Developing instruction materials.

"(f) EVALUATION AND ACCOUNTABILITY PLAN.—Each eligible partnership receiving a grant under this section shall develop an evaluation and accountability plan for activities assisted under this section that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) increased participation by students in advanced courses in foreign language;

"(2) increased percentages of secondary school classes in foreign language taught by teachers with academic majors in foreign language; and

"(3) increased numbers of foreign language teachers who participate in content-based professional development activities.

"(g) REPORT.—Each eligible partnership receiving a grant under this section shall annually report to the Sec-

retary regarding the eligible partnership's progress in meeting the performance objectives described in subsection (f).

"(h) TERMINATION.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in subsection (f) by the end of the third year of a grant under this section, the grant payments shall not be made for the fourth and fifth years of the grant.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.".

SEC. 605. EVALUATION, OUTREACH, AND DISSEMINATION.

Part E of title VI, as redesignated by section 604 of this Act, is amended by inserting after section 641 (20 U.S.C. 1132 (as so redesignated)) the following new section:

"SEC. 642. EVALUATION, OUTREACH, AND DISSEMINATION.

"The Secretary may use not more than one percent of the funds made available for this title for program evaluation, national outreach, and information dissemination activities.".

SEC. 606. STUDENT SAFETY.

Part E of title VI, as redesignated by section 604 of this Act, is further amended by inserting after section 642 (as added by section 605 of this Act) the following new section:

"SEC. 643. STUDENT SAFETY.

''Applicants seeking funds under this title to support student travel and study abroad shall submit as part of their grant application a description of safety policies and procedures for students participating in the program while abroad.''.

SEC. 607. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

Part E of title VI, as redesignated by section 604 of this Act, is further amended by inserting after section 643 (as added by section 606 of this Act) the following new section:

"SEC. 644. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to support programs in colleges and universities that—

''(1) encourage students to develop—

''(A) an understanding of science and technology; and

''(B) foreign language proficiency; and

1 "(2) foster future international scientific col-
2 laboration.
3 "(b) DEVELOPMENT.—The Secretary shall develop a
4 program for the awarding of grants to institutions of high-
5 er education that develop innovative programs for the
6 teaching of foreign languages.
7 "(c) REGULATIONS AND REQUIREMENTS.—The Sec-
8 retary shall promulgate regulations for the awarding of
9 grants under subsection (b). Such regulations shall require
10 institutions of higher education to use grant funds for,
11 among other things—
12 "(1) the development of an on-campus cultural
13 awareness program by which students attend classes
14 taught in a foreign language and study the science
15 and technology developments and practices in a non-
16 English speaking country;
17 "(2) immersion programs where students take
18 science or technology related course work in a non-
19 English speaking country; and
20 "(3) other programs, such as summer work-
21 shops, that emphasize the intense study of a foreign
22 language and science technology.
23 "(d) GRANT DISTRIBUTION.—In distributing grants
24 to institutions of higher education under this section, the
25 Secretary shall give priority to—

"(1) institutions that have programs focusing on curricula that combine the study of foreign languages and the study of science and technology and produce graduates who have both skills; and

"(2) institutions teaching critical foreign languages.

"(e) APPROPRIATIONS AUTHORIZED.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009 and for each subsequent fiscal year.".

SEC. 608. REPORTING BY INSTITUTIONS.

Part E of title VI (20 U.S.C. 1122), as redesignated by section 604 of this Act, is further amended by inserting after section 644 (as added by section 607 of this Act) the following new section:

"SEC. 645. REPORTING BY INSTITUTIONS.

"(a) APPLICABILITY.—The data requirement in subsection (b) shall apply to an institution of higher education that receives funds for a center or program under this title if—

"(1) the amount of cash, or the fair market value, or both, of the contributions received from a foreign government or private sector corporation, foundation, or any other entity or individual (exclud-

ing domestic government entities) during any fiscal year exceeds $1,000,000 in the aggregate; and

"(2) the aggregate contribution is intended for use directly or indirectly by a center or program receiving funds under this title.

"(b) DATA REQUIRED.—The Secretary shall require of each institution to which this paragraph applies under subsection (a), as part of the Integrated Postsecondary Education Data System (IPEDS) annual data collection, that such institution report the following data:

"(1) The names and addresses of any foreign government or private sector corporation, foundation, or any other entity or individual that contributed such amount of cash or such fair market value of other property as described in subsection (a)(1).

"(2) The amount of such cash or the fair market value of such property.

"(c) EXEMPTION FROM REPORTING.—The Secretary may, at the request of the donor, exempt domestic donors who make anonymous donations from the institutional reporting requirement of subsection (b)(1) to preserve the anonymity of their contribution. The data of institutions shall identify such donors as 'anonymous'. This exemption does not apply to non-domestic donations.

"(d) DEADLINE.—Any report under subsection (b) shall be made no later than such date as the Secretary shall require.

"(e) CONSEQUENCES OF FAILURE TO REPORT.—In the case of any institution from which a report is requested under subsection (b), if the Secretary does not receive a report in accordance with the deadline established under subsection (d), the Secretary shall—

"(1) make a determination that the institution of higher education has failed to make the report required by this paragraph;

"(2) transmit a notice of the determination to Congress; and

"(3) publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education for contracts and grants under this title.".

SEC. 609. FEDERAL FOREIGN LANGUAGE EDUCATION MARKETING CAMPAIGN.

The Secretary of Education shall establish a foreign language education marketing campaign to encourage students at secondary schools and institutions of higher education to study foreign languages, particularly languages that are less commonly taught and critical to the national security of the United States.

TITLE VII—TITLE VII AMENDMENTS

SEC. 701. JAVITS FELLOWSHIP PROGRAM.

(a) AUTHORITY AND TIMING OF AWARDS.—Section 701(a) (20 U.S.C. 1132a(a)) is amended by inserting after the second sentence the following: ''For purposes of the exception in the preceding sentence, a master's degree in fine arts shall be considered a terminal degree.''.

(b) INTERRUPTIONS OF STUDY.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: ''In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.''.

(c) ALLOCATION OF FELLOWSHIPS.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting ''from diverse geographic regions'' after ''higher education''; and

(2) by adding at the end the following new sentence: ''The Secretary shall also assure that at least

one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.''.

(d) STIPENDS.—Section 703 (20 U.S.C. 1134b) is amended—

(1) in subsection (a)—

(A) by striking ''1999–2000'' and inserting ''2009–2010''; and

(B) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program on February 1 of such academic year''; and

(2) in subsection (b), by amending paragraph (1)(A) to read as follows:

''(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for academic year 2009–2010 and succeeding academic years, the same amount as the institutional payment made for academic year 2008–2009, adjusted for academic year 2009–2010 and annually thereafter in accordance with inflation

as determined by the Department of Labor's Consumer Price Index for All Urban Consumers for the previous calendar year.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 705 (20 U.S.C. 1134d) is amended by striking ''1999'' and inserting ''2009''.

SEC. 702. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) DESIGNATION OF AREAS OF NATIONAL NEED; PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—

(1) by amending subsection (b) to read as follows:

''(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

''(1) the extent to which the interest in the area is compelling;

"(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

"(3) an assessment of how the program may achieve the most significant impact with available resources;

"(4) an assessment of current and future professional workforce needs of the United States; and

"(5) the priority described in subsection (c)."; and

(2) by adding at the end the following new subsection:

"(c) PRIORITY.—The Secretary shall establish a priority for grants in order to prepare individuals for the professorate who will train highly qualified elementary and secondary mathematics and science teachers, special education teachers, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—

"(1) post baccalaureate study related to teacher preparation and pedagogy in mathematics and science for students who have completed a master's degree or are pursuing a doctorate of philosophy in mathematics or science;

"(2) post baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and

"(3) support of dissertation research in the fields of mathematics, science, special education, or second language pedagogy and second language acquisition.".

(b) COLLABORATION REQUIRED FOR CERTAIN APPLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) in the case of an application from a department, program, or unit in education or teacher preparation, provide assurances that such department, program, or unit will collaborate with departments, programs, or units in all content areas to ensure a successful combination of training in both teaching and such content; and".

(c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—

(1) by striking ''1999–2000'' and inserting ''2009–2010''; and

(2) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program on February 1 of such academic year''.

(d) ADDITIONAL ASSISTANCE.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2009–2010'';

(2) by striking ''1998–1999'' and inserting ''2008–2009''; and

(3) by inserting ''for All Urban Consumers'' after ''Price Index''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 716 (20 U.S.C. 1135e) is amended by striking ''1999'' and inserting ''2009''.

(f) TECHNICAL AMENDMENTS.—Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(1) by striking ''section 716(a)'' and inserting ''section 715(a)''; and

(2) by striking ''section 714(b)(2)'' and inserting ''section 713(b)(2)''.

(g) ADDITIONAL TECHNICAL AMENDMENTS.—

(1) Section 711(a)(1) (20 U.S.C. 1135(a)) is amended by inserting ''(including a masters degree)'' after ''leading to a graduate degree''.

(2) Section 712(a)(1) (20 U.S.C. 1135a(a)(1)) is amended by inserting ''(including a masters degree)'' after ''leading to a graduate degree''.

(3) Section 713 (b)(5)(C) (20 U.S.C. 1135b(b)(5)(C)) is amended by inserting ''at the institution'' before the semicolon at the end.

SEC. 703. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) PROGRAM AUTHORITY.—Section 721(a) (20 U.S.C. 1136(a)) is amended—

(1) by inserting ''middle and high school'' after ''disadvantaged''; and

(2) by striking the period at the end of the sentence and inserting ''and admission to law practice.''.

(b) ELIGIBILITY.—Section 721(b) (20 U.S.C. 1136(b)) is amended by inserting ''middle and high school or'' before ''college student''.

(c) CONTRACT AND GRANT PURPOSES.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) by inserting ''middle and high school students'' after ''identify'' in paragraph (1);

(2) by amending paragraph (2) to read as follows:

''(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;'';

(3) by striking ''and'' at the end of paragraph (4);

(4) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(5) by adding at the end the following new paragraph:

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

''(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.''.

(d) SERVICES PROVIDED.—Section 721(d)(1)(D) (20 U.S.C. 1136(d)(1)(D)) is amended by inserting ''in analytical skills and study methods'' after ''courses''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking ''1999'' and inserting ''2009''.

(f) GENERAL PROVISIONS.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.

SEC. 704. PATSY T. MINK FELLOWSHIP PROGRAM.

Part A of title VII (20 U.S.C. 1134) is further amended—

(1) by redesignating subpart 4 as subpart 6;

(2) in the heading of section 731, by striking ''**SUBPARTS 1, 2, AND 3**'' and inserting ''**SUBPARTS 1 THROUGH 5**'';

(3) in subsections (a) and (b) of section 731, by striking ''subparts 1, 2, and 3'' each place it appears and inserting ''subparts 1 through 5'';

(4) in subsection (d) of such section, by striking ''subpart 1, 2, or 3'' and inserting ''subpart 1, 2, 3, 4, or 5''; and

(5) by inserting after subpart 3 the following new subpart:

1 **"Subpart 4—Patsy T. Mink Fellowship Program**

2 **"SEC. 722. PATSY T. MINK FELLOWSHIPS.**

3 ''(a) PURPOSE; DESIGNATION.—

4 ''(1) PURPOSE.—It is the purpose of this sub-
5 part to provide a program of fellowship awards to
6 assist highly qualified minorities and women to ac-
7 quire the terminal master's degree or the doctorate
8 degree in academic areas in which such individuals
9 are underrepresented for the purpose of entering the
10 higher education professoriate.

11 ''(2) ELIGIBLE INSTITUTIONS.—For purposes
12 of this subpart, the term 'eligible institution' means
13 an institution of higher education, or a consortium
14 of such institutions, that offers a program of post
15 baccalaureate study leading to a graduate degree.

16 ''(3) DESIGNATION.—Each recipient of a fellow-
17 ship award from an institution receiving a grant
18 under this subpart shall be known as a Patsy T.
19 Mink Graduate Fellow.

20 ''(b) PROGRAM AUTHORIZED.—

21 ''(1) GRANTS BY SECRETARY.—

22 ''(A) IN GENERAL.—From funds made
23 available under subsection (e), the Secretary
24 shall make grants to eligible institutions of
25 higher education to enable such institutions to

make fellowship awards to qualified students in accordance with the provisions of this subpart.

"(B) PRIORITY CONSIDERATION.—In making grant awards under this subpart, the Secretary shall consider the applicant institution's prior experience in producing doctorates and terminal master's degree holders who are minorities and females, and shall give priority consideration in making grants under this subpart to those institutions with a demonstrated record of producing minorities and women who have earned such degrees.

"(2) DISTRIBUTION AND AMOUNTS OF GRANTS.—

"(A) EQUITABLE DISTRIBUTION.—In making such grants the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among eligible public and private institutions of higher education that apply for grants under this subpart and that demonstrate the ability to achieve the purpose of this subpart.

"(B) SPECIAL RULE.—To the maximum extent practical, the Secretary shall award at

1 least 50 percent of the amount appropriated
2 under this subpart to institutions of higher edu-
3 cation eligible for assistance under titles III and
4 V, or to consortia composed of otherwise eligible
5 institutions of higher education and such mi-
6 nority-serving institutions.

7 "(C) ALLOCATION.—In making such
8 grants the Secretary shall, consistent with sub-
9 paragraphs (A) and (B), allocate appropriated
10 funds to those institutions whose applications
11 indicate the ability to significantly increase the
12 numbers of minorities and women entering the
13 higher education professoriate and that commit
14 institutional resources to the attainment of the
15 purpose of this subpart. No grant made under
16 this subpart shall support fewer than fifteen de-
17 gree candidates consistent with subsection
18 (d)(2).

19 "(D) REALLOTMENT.—Whenever the Sec-
20 retary determines that an institution of higher
21 education is unable to utilize all of the amounts
22 made available to it under this subpart, the
23 Secretary shall, on such dates during the fiscal
24 year as the Secretary may determine, reallocate
25 such unused amounts to institutions which

demonstrate that they can use any reallocated grant funds to make fellowship awards to qualified individuals under this subpart.

"(c) APPLICATIONS.—

"(1) APPLICATIONS REQUIRED.—Any eligible institution of higher education offering a program of post baccalaureate study leading to a graduate degree that meets the purpose of this subpart may apply for a grant. Each such institution, or consortium of eligible institutions (including those institutions specified in subsection (b)(2)(B)) may make an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) SELECTION OF APPLICATIONS.—In selecting applications for the making grants to institutions of higher education, the Secretary shall—

"(A) take into account the number and distribution of minority and female faculty nationally, as well as the current and projected need for highly trained individuals—

"(i) in all areas of the higher education professoriate; and

"(ii) in academic career fields in which minorities and women are underrep-

resented in the higher education professoriate; and

"(B) consider the need to prepare a larger number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculties.

"(d) FELLOWSHIP TERMS AND CONDITIONS.—

"(1) SELECTION OF FELLOWS.—

"(A) ELIGIBLE APPLICANTS.—The Secretary shall assure that, in awarding fellowships from funds made available under this subpart, grantee institutions make fellowship awards to individuals who plan to pursue a career in instruction at any institution of higher education that is eligible to participate in title IV programs.

"(B) ACADEMIC PROGRESS.—Notwithstanding subparagraph (A), no otherwise eligible student selected for support shall receive a fellowship award—

"(i) during periods in which such student is enrolled, unless such student is maintaining satisfactory academic progress

in, and devoting full-time to, study or research in the pursuit of the degree for which the fellowship support was awarded; or

"(ii) if the student is engaged in gainful employment, other than part-time employment related to teaching, research, or a similar activity determined by the institution to be consistent with and supportive of the student's progress toward the appropriate degree.

"(2) SERVICE REQUIREMENT.—

"(A) TEACHING REQUIRED.—Each Patsy T. Mink Graduate Fellow who earns the doctoral or terminal master's degree with assistance provided under this subpart shall teach at an eligible institution for one year for each year of fellowship assistance received under this subpart.

"(B) INSTITUTIONAL OBLIGATION.—Each institution which receives an award from the Secretary under this subpart shall provide an assurance that it has inquired of and determined the fellowship recipient's decision to, within 3 years of receiving the doctorate or ter-

minal master's degree, begin employment at an eligible institution of higher education as required by this subpart.

"(C) AGREEMENT REQUIRED.—Prior to receiving the initial fellowship award, and upon the annual renewal of the fellowship award, a fellow shall sign an agreement with the Secretary memorializing this commitment to enter the professoriate.

"(D) CONSEQUENCES OF FAILURE.—If a fellowship recipient fails to honor the service requirement of this subsection, the Secretary shall—

"(i) require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV; or

"(ii) require the individual to pay an amount determined by the Secretary to be appropriate, except as provided in subparagraph (E).

"(E) MODIFIED SERVICE REQUIREMENT.—The Secretary may waive or modify the service

requirement of this paragraph based on regulations, promulgated pursuant to and consistent with criteria which determine the circumstances under which compliance with the service obligation by the fellowship recipient would be inequitable and represent a substantial hardship. The Secretary may waive the service requirement if—

"(i) compliance by the fellowship recipient would be deemed impossible because the individual is permanently and totally disabled at the time of the waiver request; or

"(ii) compliance by the fellowship recipient is based on documentation presented to the Secretary of substantial economic or personal hardship, as determined in accordance with regulations prescribed by the Secretary.

"(3) AMOUNT OF FELLOWSHIP AWARDS.—

"(A) IN GENERAL.—From the grants made pursuant to this subpart, eligible institutions shall award stipends to individuals who are awarded fellowships under this subpart. Such stipends shall reflect the purpose of the

program authorized by this subpart to encourage highly qualified minorities and women to pursue graduate study for the purpose of entering the higher education professoriate.

"(B) AWARDS BASED ON NEED.—Stipends shall be in an amount equal to the level of support provided by the National Science Foundation graduate fellowships, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's demonstrated need as determined by the institution of higher education where the graduate student is enrolled.

"(4) INSTITUTIONAL PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall, in addition to the amounts made available to institutions for stipends to individuals under this subpart, pay to grantee institutions of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided for in subparagraph (C), such allowance shall be, for academic year 2009–2010 and succeeding academic years, the same as the institutional payment made for that year under the Graduate Assistance in Areas of National Need pro-

gram in subpart 2 of part A, and shall be adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for All Urban Consumers for the previous calendar year.

"(B) USE OF FUNDS.—Institutional payments may be expended at the discretion of the institution, except that such funds shall be used to provide academic support and career transition services for participating fellows.

"(C) REDUCTION.—The institutional allowance paid under subparagraph (A) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the institution's instructional program.

"(D) USE FOR OVERHEAD PROHIBITED.—Funds made available pursuant to this subpart may not be used for general operational overhead of the academic department or institution receiving such funds.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.".

SEC. 705. MASTERS DEGREES PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY SERVING INSTITUTIONS.

Part A of title VII (20 U.S.C. 1134) is further amended by inserting after subpart 4 (as added by section 704 of this Act) the following subpart:

"Subpart 5—Masters Degrees Programs at Historically Black Colleges and Universities and Other Minority Serving Institutions

"SEC. 723. GRANTS TO ACADEMIC DEPARTMENTS AND PROGRAMS AT ELIGIBLE INSTITUTIONS.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—From the amounts appropriated under subsection (g), the Secretary shall make grants to graduate academic departments, programs, and other academic units at historically Black colleges and universities and other minority-serving institutions that provide qualified courses of study leading to a degree in a qualified masters degree program described in subsection (d)(1)(B). Such grants shall be used to make fellowship awards to eligible students and may be combined with matching grants from non-Federal sources to strengthen qualified masters degree programs.

"(2) ADDITIONAL GRANTS.—From the amounts appropriated under subsection (g), The Secretary may also make grants to consortia and cooperative arrangements among eligible institutions that submit joint proposals, and have formal arrangements designed to fulfill the purposes of this subpart.

"(b) AWARD AND DURATION OF GRANTS.—

"(1) AWARDS.—The Secretary shall make awards to institutions that are eligible under subsection (d) and that submit an application to the Secretary in accordance with subsection (c). Awards shall be based on the following criteria:

"(A) The number of students enrolled in the masters degree program.

"(B) The number of students who earned such degrees in the previous year from the program for which the eligible institution is seeking funds.

"(C) The average cost of education per student, for all full-time masters degree students enrolled in the qualified masters degree program.

"(D) The quality of the academic program at the institution.

"(E) The quality of the application submitted by the institution or consortium.

"(2) DURATION AND AMOUNT.—

"(A) DURATION.—The Secretary shall award a grant under this subpart for a period of 5 years, which may be renewed for an additional 5 years consistent with subsection (c).

"(B) AMOUNT.—The Secretary shall award a grant to an academic department, program, or consortium at an eligible institution of higher education under this subpart for a fiscal year in an amount that is not less than $100,000, and not greater than $750,000.

"(c) APPLICATION.—

"(1) CONTENTS OF APPLICATIONS.—An institution that is eligible under subsection (d) that seeks a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include—

"(A) a description of the qualified masters degree program or programs that the institution intends to provide fellowship awards to, including the number of student awards to be made;

"(B) a budget describing the amount of the fellowship awards to students for 2 successive academic years, based on the academic progress of such students and the cost of attendance at the eligible institution, except that in no instance shall a graduate student receive a fellowship in excess of the award level provided for such students by the National Science Foundation;

"(C) a budget for stipends to students who are awarded fellowships under this subpart in order to encourage highly qualified students to pursue graduate study for the purposes described in this part; and

"(D) a description of activities to be undertaken with institutional, private foundation, or State matching funds that will be used to contribute to the increased production of minority masters degree candidates.

"(2) PREFERENCE TO CONTINUING GRANT RECIPIENTS.—

"(A) IN GENERAL.—The Secretary shall make initial grant awards consistent with the criteria in subsection (b)(1), and shall renew such awards if the grantee demonstrates suc-

cess in satisfying the criteria in subparagraphs (A) and (B) of such subsection by increasing the number of African Americans and other minorities earning masters degrees at the institution based on benchmarks established by the Secretary.

"(B) RATABLE REDUCTION.—To the extent that appropriations are insufficient to comply with subparagraph (A) and subsection (b)(2)(B), available funds shall be distributed by ratably reducing the amounts required to be awarded under subsection (b)(2)(B).

"(d) INSTITUTIONAL ELIGIBILITY.—

"(1) QUALIFIED MASTERS DEGREE PROGRAMS.—

"(A) IN GENERAL.—To be eligible to apply for a grant under this part, an applicant shall be an academic department, program, or unit at an institution of higher education that is within the meaning of the term 'part B institution' as defined in section 322(2), that offers a qualified masters degree program, and that is specifically enumerated in paragraph (2), or a consortium of such institutions.

"(B) QUALIFIED MASTERS DEGREE PROGRAM.—For purposes of this subpart, the term 'qualified masters degree program' means a program of study leading to a masters degree in the physical or natural sciences, mathematics, engineering, computer science, information technology, nursing, allied health, or related scientific or health field identified by the Secretary.

"(C) LIMITATION.—No department, program, or unit shall be eligible to apply unless the qualified masters degree program has been in existence and awarded such degrees for at least four years.

"(2) ENUMERATED INSTITUTIONS.—For purposes of paragraph (1)(A), the institutions enumerated in this paragraph are—

"(A) Albany State University;

"(B) Alcorn State University;

"(C) Chicago State University;

"(D) Columbia Union College;

"(E) Coppin State University;

"(F) Elizabeth City State University;

"(G) Fayetteville State University;

"(H) Fisk University;

1 "(I) Fort Valley State University;
2 "(J) Grambling State University;
3 "(K) Kentucky State University;
4 "(L) Long Island University, Brooklyn
5 campus;
6 "(M) Mississippi Valley State University;
7 "(N) Robert Morris College;
8 "(O) Savannah State University;
9 "(P) South Carolina State University;
10 "(Q) University of Arkansas, Pine Bluff;
11 "(R) Virginia State University;
12 "(S) West Virginia Sate University;
13 "(T) Winston-Salem State University; and
14 "(U) York College, The City University of
15 New York.
16 "(3) LIMITATION.—No institution that is eligi-
17 ble for and receives an award under section 326 for
18 a fiscal year shall be eligible to apply for, or receive
19 funds under this subpart for the same fiscal year.
20 "(e) MATCHING FUNDS RULE.—Each eligible insti-
21 tution or consortium that receives an award under this
22 subpart, may elect to use up to 25 percent of the total
23 grant to carry out activities designed to strengthen its
24 qualified masters degree program. An institution that
25 elects to use funds for strengthening a qualified masters

degree program shall provide an equal amount for such purpose from institutional, private foundation, or State sources. Matching funds must supplement, not supplant, existing resources available at the time of the Secretary's award.

''(f) USES OF FUNDS.—Funds made available under this section shall be used in accordance with the application under subsection (c).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 706. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) CONTRACT AND GRANT PURPOSES.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;'';

(2) in paragraph (2), by inserting before the semicolon at the end the following: ''for postsec-

ondary students, especially institutions, programs, and joint efforts that provide academic credit for programs'';

(3) by amending paragraph (3) to read as follows:

''(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;'';

(4) by amending paragraph (6) to read as follows:

''(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;'';

(5) by striking ''and'' at the end of paragraph (7);

(6) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(7) by adding at the end the following new paragraphs:

''(9) the assessment, in partnership with a public or private nonprofit institution or agency, of the performance of teacher preparation programs within institutions of higher education in a State, using an

assessment which provides comparisons across such institutions within the State based upon indicators including teacher candidate knowledge in subject areas in which such candidate has been prepared to teach;

"(10) the support of efforts to establish pilot programs and initiatives to help college campuses reduce illegal downloading of copyrighted content, in order to improve the security and integrity of campus computer networks and save bandwidth costs;

"(11) the support of increased fire safety in student housing—

"(A) by establishing a demonstration incentive program for qualified student housing in institutions of higher education;

"(B) by making grants for the purpose of installing fire alarm detection, prevention, and protection technologies in student housing, dormitories, and other buildings controlled by such entities; and

"(C) by requiring, as a condition of such grants—

"(i) that such technologies be installed professionally to technical standards of the National Fire Protection Association; and

"(ii) that the recipient shall provide non-Federal matching funds in an amount equal to the amount of the grant;

"(12) the assessment, in partnership with a consortium of higher education organizations, of the feasibility and potential design of an inter-institution monitoring organization on gender and racial equality in campus faculty and administration;

"(13) the provision of support and assistance to partnerships between institutions of higher education and secondary schools with at least 10 percent of their enrollment assessed as late-entering limited English proficient students to establish programs that result in increased secondary school graduation rates of limited English proficient students and that increase the number of eligible late-entering limited English proficient students who pursue postsecondary education opportunities;

"(14) the provision of support and assistance for demonstration projects to provide comprehensive support services to ensure that homeless students, or students who were in foster care until the age of 18, enroll and succeed in postsecondary education, including providing housing to such students during periods when housing at the institution of higher

education is closed or generally unavailable to other students;

"(15) the support of efforts to work with organizations that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and institutions of higher education that seek to promote cultural diversity in the entertainment media industry including through the training of students in production, marketing, and distribution of culturally relevant content; and

"(16) the creation of consortia that join diverse institutions of higher education to design and offer curricular and co-curricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

"(A) focus on poverty and human capability; and

"(B) include—

"(i) a service-learning component; and

"(ii) the delivery of educational services through informational resource centers, summer institutes, mid-year seminars, and other educational activities that stress the effects of poverty and how poverty can

be alleviated through different career paths.''.

(b) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY; CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—Section 741 (20 U.S.C. 1138) is further amended by adding at the end the following new subsections:

''(c) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

''(1) AUTHORIZATION.—The Secretary shall contract with a nonprofit organization with demonstrated experience in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

''(2) ELIGIBLE STUDENTS.—In this subsection, the term 'eligible student' means an individual who is—

''(A)(i) a dependent student who is a child of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation

1 or national emergency (as defined in
2 section 481); or
3 ''(bb) performing qualifying Na-
4 tional Guard duty during a war or
5 other military operation or national
6 emergency (as defined in section 481);
7 or
8 ''(II) a veteran who died while serving
9 or performing, as described in subclause
10 (I), since September 11, 2001, or has been
11 disabled while serving or performing, as
12 described in subclause (I), as a result of
13 such event; or
14 ''(ii) an independent student who—
15 ''(I) is a spouse of an individual who
16 is—
17 ''(aa) serving on active duty dur-
18 ing a war or other military operation
19 or national emergency (as defined in
20 section 481); or
21 ''(bb) performing qualifying Na-
22 tional Guard duty during a war or
23 other military operation or national
24 emergency (as defined in section 481);
25 or

"(II) was (at the time of the death of the veteran) a spouse of a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; and

"(B) enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102).

"(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

"(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an academic year shall be $5,000.

"(5) AMOUNTS FOR SCHOLARSHIPS.—All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that a nonprofit organization receiving a contract under this

subsection may use not more than 1 percent of such amounts for the administrative costs of the contract.

"(d) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

"(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

"(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a 4-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

"(3) CENTER ACTIVITIES.—The center funded under this section shall—

"(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

"(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

"(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

"(D) develop and disseminate best practices for such programs.".

(c) PROHIBITION.—Section 741 is further amended by adding after subsection (d) (as added by subsection (b) of this section) the following new subsection:

"(e) PROHIBITION.—No funds made available under this part may be used to provide financial assistance—

"(1) to students who do not meet the requirements of section 484(a)(5); or

"(2) to any institution of higher education after the date of enactment of this subsection unless the institution demonstrates to the Secretary that the institution meets or exceeds the most current version of ASHRAE/IES Standard 90.1 (as such term is used in section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) for any

new facilities construction or major renovation of that institution after that date, except that this paragraph shall not apply with respect to barns or greenhouses or similar structures owned by the institution.''.

(d) TECHNICAL AMENDMENTS.—Part B of title VII (20 U.S.C. 1038 et seq.) is further amended—

(1) in section 742 (20 U.S.C. 1138a)—

(A) in subsection (b)—

(i) by striking ''(1) IN GENERAL.—''; and

(ii) by striking paragraph (2);

(B) in subsection (c), by striking ''and the Director'' each place it appears; and

(C) in subsection (d), by striking ''Director'' and inserting ''Secretary'';

(2) in section 743 (20 U.S.C. 1138b)—

(A) by striking ''(a) TECHNICAL EMPLOYEES.—''; and

(B) by striking subsection (b); and

(3) in section 744(a) (20 U.S.C. 1138c(a)), by striking ''Director'' each place it appears and inserting ''Secretary''.

1 (e) AREAS OF NATIONAL NEED.—Section 744(c) (20
2 U.S.C. 1138c(c)) is amended by adding at the end the
3 following:

4 "(5) Establishment of academic programs in-
5 cluding graduate and undergraduate courses, semi-
6 nars and lectures, support of research, and develop-
7 ment of teaching materials for the purpose of sup-
8 porting faculty and academic programs that teach
9 traditional American history (including significant
10 constitutional, political, intellectual, economic, diplo-
11 matic, and foreign policy trends, issues, and docu-
12 ments; the history, nature, and development of
13 democratic institutions of which American democ-
14 racy is a part; and significant events and individuals
15 in the history of the United States).

16 "(6) Establishment of centers to incorporate
17 education in quality and safety into the preparation
18 of medical and nursing students, through grants to
19 medical schools, nursing schools, and osteopathic
20 schools. Such grants shall be used to assist in pro-
21 viding courses of instruction that specifically equip
22 students to understand the causes and remedies for
23 medical error, medically-induced patient injuries and
24 complications, and other defects in medical care; en-
25 gage effectively in personal and systemic efforts to

1 continually reduce medical harm; and improve pa-
2 tient care and outcomes, as recommended by the In-
3 stitute of Medicine.''.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
5 745 (20 U.S.C. 1138d) is amended by striking
6 ''$30,000,000 for fiscal year 1999'' and inserting
7 ''$40,000,000 for fiscal year 2009''.

8 **SEC. 707. URBAN-SERVING RESEARCH UNIVERSITIES.**

9 Part C of title VII (20 U.S.C. 1139 et seq.) is amend-
10 ed to read as follows:

11 **''PART C—URBAN-SERVING RESEARCH**
12 **UNIVERSITIES**

13 **''SEC. 751. PURPOSE; PROGRAM AUTHORIZED.**

14 ''(a) PURPOSE.—It is the purpose of this part to pro-
15 vide incentives to urban-serving research universities to
16 enable such universities to expand research knowledge and
17 to develop and implement initiatives in partnership with
18 community-based organizations and other public or non-
19 profit private entities to strengthen city economies, foster
20 innovation and opportunity, and solve urban challenges.

21 ''(b) PROGRAM AUTHORIZED.—The Secretary is au-
22 thorized to award grants to urban-serving research univer-
23 sities to enable such universities to carry out the activities
24 described in section 753 in accordance with the provisions
25 of this part.

"SEC. 752. APPLICATION FOR URBAN-SERVING RESEARCH UNIVERSITY GRANTS.

"(a) APPLICATION.—An urban-serving research university seeking assistance under this part shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) PRIORITY IN SELECTION OF APPLICATIONS.—The Secretary shall give priority to applications that propose to conduct joint projects supported by Federal, State, and local programs other than the program under this Act. In addition, the Secretary shall give priority to urban-serving research universities with a demonstrated record of effective engagement in serving the communities in which such universities are located.

"SEC. 753. ALLOWABLE ACTIVITIES.

"An urban-serving research university shall use funds awarded under this part to further develop and apply research findings to the development, implementation, and ongoing evaluation of—

"(1) systemic initiatives with elementary and secondary schools and other educational organizations designed to—

"(A) improve teacher quality and retention; or

"(B) develop strategies to improve postsecondary and workplace readiness, particularly in fields related to science, technology, engineering, and mathematics;

"(2) innovative economic revitalization efforts in conjunction with community-based organizations and other public or nonprofit private entities; or

"(3) public health outreach, education, and intervention activities designed to reduce health disparities in urban areas, in partnership with community-based organizations and other public or nonprofit private entities.

"SEC. 754. DEFINITIONS.

"As used in this part:

"(1) URBAN AREA.—The term 'urban area' means a city with a population of not less than 200,000 within a metropolitan statistical area.

"(2) URBAN-SERVING RESEARCH UNIVERSITY.—The term 'urban-serving research university' means a public institution of higher education that—

"(A) meets the requirements of section 101;

"(B) is located in an urban area;

"(C) has the capacity to conduct applicable research, as demonstrated by awarding more than 10 doctoral degrees per academic year;

"(D) draws a substantial portion of its students from the urban area in which such institution is located; and

"(E) has demonstrated and sustained a sense of responsibility to such urban area and the people of such area.

"SEC. 755. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 708. PROGRAMS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

(a) SERVING ALL STUDENTS WITH DISABILITIES.—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking "students with learning disabilities" and inserting "students with disabilities".

(b) AUTHORIZED ACTIVITIES.—

(1) AMENDMENT.—Section 762(b)(2) is amended—

(A) in subparagraph (A)—

(i) by inserting ", including methods and strategies consistent with the principles of universal design for learning" after "strategies"; and

(ii) by inserting "in order to improve retention and completion" after "disabilities";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education."; and

(D) by inserting after subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) the following new subparagraphs:

"(D) DISTANCE LEARNING.—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to pro-

vide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible electronic communication for instruction and advisement.

"(E) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through the use of accessible instructional materials and curriculum development, consistent with the principles of universal design for learning.".

(2) REPORT.—Section 762 is further amended by adding at the end the following new subsection:

"(d) REPORT.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2008, the Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this subpart and providing guidance and recommendations on how successful projects can be replicated.".

(3) CONFORMING AMENDMENT.—Section 762(b)(3) is amended by striking "subparagraphs (A) through (C)" and inserting "subparagraphs (A) through (F)".

(c) APPLICATIONS.—Section 763 (20 U.S.C. 1140b) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) a description of how such institution plans to address the activities allowed under this subpart;'';

(2) in paragraph (2)—

(A) by striking ''institution to develop'' and inserting ''institution, including students with disabilities, to develop''; and

(B) by striking ''and'' at the end;

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.''.

(d) AUTHORIZATION OF APPROPRIATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Section 765 (20 U.S.C. 1140d) is amended by striking ''1999'' and inserting ''2009''.

(e) NATIONAL TECHNICAL ASSISTANCE CENTER; COMMISSION ON ACCESSIBLE MATERIALS; PROGRAMS TO SUPPORT IMPROVED ACCESS TO MATERIALS; TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES; COORDINATING CENTER.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in the part heading, by striking ''**DEMONSTRATION PROJECTS**'' and inserting ''**PROGRAMS**'';

(2) by inserting after the part heading the following:

"Subpart 1—Quality Higher Education";

and

(3) by adding at the end the following:

"Subpart 2—National Technical Assistance Center; Commission on Accessible Materials; Programs to Support Improved Access to Materials

"SEC. 766. NATIONAL CENTER.

''(a) PURPOSE.—It is the purpose of this subpart to support the development of a national center to provide information and technical assistance for students with disabilities to improve the postsecondary recruitment, retention, and completion success rates of such students.

''(b) ESTABLISHMENT AND SUPPORT.—The Office of Postsecondary Education shall, by grant, contract, or co-

1 operative agreement with an eligible entity or partnership
2 of two or more eligible entities, provide for the establish-
3 ment and support of a National Center for Information
4 and Technical Support for Postsecondary Students with
5 Disabilities (hereinafter in this subpart referred to as the
6 'Center') which shall carry out the duties set forth in sub-
7 section (d).

8 "(c) ELIGIBLE ENTITY.—In this subpart, the term
9 'eligible entity' means an institution of higher education
10 or a private nonprofit organization with demonstrated ex-
11 pertise in—

12 "(1) supporting postsecondary students with
13 disabilities;

14 "(2) technical knowledge necessary for the ac-
15 cessible dissemination of information; and

16 "(3) working with a diverse range of types of
17 institutions of higher education, including commu-
18 nity colleges.

19 "(d) DUTIES.—The duties of the Center shall include
20 the following:

21 "(1) ASSISTANCE TO STUDENTS AND FAMI-
22 LIES.—The Center shall provide information and
23 technical assistance to students with disabilities and
24 their families related to practices supporting stu-

1 dents across a broad spectrum of disabilities, includ-
2 ing—
3 "(A) information to assist prospective stu-
4 dents with disabilities in planning their postsec-
5 ondary academic career while they are in middle
6 and secondary school;
7 "(B) research-based supports, services, and
8 accommodations which are available in postsec-
9 ondary settings, including services provided by
10 other agencies such as vocational rehabilitation;
11 "(C) information on student mentoring
12 and networking opportunities; and
13 "(D) successful recruitment and transition
14 programs in existence in postsecondary institu-
15 tions.
16 "(2) ASSISTANCE TO INSTITUTIONS OF HIGHER
17 EDUCATION.—The Center shall provide information
18 and technical assistance to faculty, staff, and admin-
19 istrators of institutions of higher education to im-
20 prove the services provided to, the accommodations
21 for, the retention rates of, and the completion rates
22 of, students with disabilities in higher education set-
23 tings, which may include—

"(A) collection and dissemination of promising practices and materials for accommodation and support of students with disabilities;

"(B) development and provision of training modules for higher education faculty on exemplary practices for accommodating and supporting students with disabilities across a range of academic fields; and

"(C) development of Internet-based tutorials for faculty, including graduate teaching assistants and new faculty, on promising practices related to support and retention of students with disabilities in postsecondary education.

"(3) INFORMATION COLLECTION AND DISSEMINATION.—The Center shall be responsible for building, maintaining, and updating a database of disability support services information with respect to institutions of higher education, or for expanding and updating an existing database of disabilities support services information with respect to institutions of higher education, which shall be available to the general public through a website built to the highest technical standards of accessibility currently practicable for the broad spectrum of individuals

with disabilities. Such database and website shall include available information on—

"(A) disability documentation requirements;

"(B) support services available;

"(C) links to financial aid;

"(D) accommodations policies;

"(E) accessible instructional materials;

"(F) other topics relevant to students with disabilities and prospective students with disabilities; and

"(G) the information in the report described in paragraph (5).

"(4) PROFESSIONAL STANDARDS FOR DISABILITY SUPPORT PERSONNEL.—The Center shall work with organizations and individuals with proven expertise related to disability support services for postsecondary students with disabilities to consolidate, evaluate, improve upon, and disseminate information related to professional standards and best practices for disability support services personnel and offices in institutions of higher education.

"(5) REVIEW AND REPORT.—Not later than 3 years after the establishment of the Center, and every 2 years thereafter, the Center shall prepare

and disseminate a report to Congress and the Secretary analyzing the current condition of postsecondary success for students with disabilities. Such report shall include—

"(A) a review of the activities of the programs authorized under this part;

"(B) annual enrollment and graduation rates of students with disabilities in institutions of higher education from existing data;

"(C) guidance on how successful postsecondary supports and services for students with disabilities could be widely implemented at institutions of higher education;

"(D) guidance on how to reduce barriers to full participation for students with disabilities in higher education; and

"(E) a description of activities necessary to facilitate a substantial improvement in the postsecondary success of such students.

"(e) STAFFING OF THE CENTER.—The Center shall employ disability support personnel with proven expertise in providing training and technical assistance to practitioners.

"SEC. 766A. ESTABLISHMENT OF ADVISORY COMMISSION ON ACCESSIBLE INSTRUCTIONAL MATERIALS IN POSTSECONDARY EDUCATION FOR STUDENTS WITH DISABILITIES.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a commission to be known as the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, in this subpart referred to as the 'Commission'.

''(2) MEMBERSHIP.—

''(A) The Commission shall include one representative of each of the following:

''(i) Department of Education Office of Postsecondary Education.

''(ii) Department of Education Office of Special Education and Rehabilitative Services.

''(iii) Department of Education Office for Civil Rights.

''(iv) Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group.

''(v) Association on Higher Education and Disability.

"(vi) Association of American Publishers.

"(vii) Association of American University Presses.

"(viii) National Association of College Stores.

"(ix) National Council on Disability.

"(B) The Commission shall be composed of at least one but not more than two representatives, as appointed by the Secretary, of each of the following:

"(i) Staff from institutions of higher education with demonstrated experience teaching or supporting students with print disabilities, representing each of the following:

"(I) Large public institution of higher education.

"(II) Small public institution of higher education.

"(III) Large private institution of higher education.

"(IV) Small private institution of higher education.

"(V) Large community college.

"(VI) Small community college.

"(ii) Producers of materials in specialized formats, including each of the following:

"(I) Braille.

"(II) Audio or synthesized speech.

"(III) Digital media.

"(iii) Developers of accessibility and publishing software and supporting technologies.

"(iv) National organizations serving individuals with visual impairments that have demonstrated experience in technology evaluation research, academic publishing, production of material in accessible formats, and educational methodologies for such for individuals.

"(v) Postsecondary students with visual impairment.

"(vi) Postsecondary students with dyslexia or other learning disabilities related to reading.

"(vii) Attorneys with expertise in copyright law.

"(C) The Commission shall include at least two, but not more than three, representatives as appointed by the Secretary, of national membership organizations representing individuals with print disabilities, including each of the following:

"(i) Individuals with visual impairments.

"(ii) Individuals with learning disabilities related to reading.

"(D) The appointments of the members of the Commission shall be made not later than 45 days after the date of enactment of the College Opportunity and Affordability Act of 2008.

"(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

"(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the Commission's first meeting.

"(5) MEETINGS.—The Commission shall meet at the call of the Chairperson. Meetings shall be

publicly announced in advance and open to the public.

"(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

"(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a chairperson and vice chairperson from among the members of the Commission.

"(b) DUTIES OF THE COMMISSION.—

"(1) STUDY.—

"(A) IN GENERAL.—The Commission shall conduct a thorough study to assess the barriers, systemic issues, and technical solutions available which may affect or improve the timely delivery and quality of accessible instructional materials for postsecondary students, faculty, and staff with print disabilities, and make recommendations related to the development of a comprehensive approach that will ensure that postsecondary students with print disabilities can access instructional materials in specialized formats in a timeframe comparable to the availability of standard instructional materials for students without disabilities.

"(B) EXISTING INFORMATION.—To the extent practicable, in carrying out the study under this paragraph, the Commission shall identify and use existing research, recommendations, and information from—

"(i) the Model Demonstration Programs to Support Improved Access to Postsecondary Instructional Materials for Students with Print Disabilities, as described in section 766B;

"(ii) the Advisory Council and the Technical Assistance and Development Centers of the National Instructional Materials Access Center;

"(iii) the Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group;

"(iv) the Association of Higher Education and Disabilities E-Text Solutions Working Group;

"(v) the Recording for the Blind and Dyslexic's Technology Advisory Committee;

"(vi) the Association of American Publishers Higher Education Division's Critical Issues Task Force; and

"(vii) other existing research related to the creation and distribution of accessible instructional materials for students with print disabilities.

"(C) RECOMMENDATIONS.—The Commission shall develop recommendations to be used to inform Federal regulation and legislation, to identify best practices for systems of creating, collecting, maintaining, processing, and disseminating materials in specialized formats to eligible students, faculty, and staff while providing adequate copyright protections. In developing such recommendations, the Commission shall consider—

"(i) how to ensure that students with print disabilities may obtain instructional materials in accessible formats within a timeframe comparable to the availability of materials for students without disabilities;

"(ii) the feasibility and technical parameters of establishing national standardized electronic file formats such as, but not

limited to, the National Instructional Materials Accessibility Standard as defined in section 674(e)(3)(B) of the Individuals with Disabilities Education Act, to be provided by publishers of instructional materials to producers of specialized formats, institutions of higher education, and eligible students;

''(iii) the feasibility of the establishment of a national clearinghouse, repository, or file-sharing network for electronic files in specialized formats and files used in producing instructional materials in specialized formats, and a list of possible entities qualified to administer such a clearinghouse, repository, or network;

''(iv) the feasibility of including such a national clearinghouse, repository, or file-sharing network in the duties of the Center described in section 766;

''(v) market-based solutions involving collaborations between publishers of instructional materials, producers of specialized formats, and institutions of higher education, including—

"(I) barriers and opportunities to market entry;

"(II) unique concerns affecting university presses, small publishers, and solutions incorporating such works into a shared system; and

"(III) solutions utilizing universal design;

"(vi) solutions for low-incidence, high-cost requests for materials in specialized formats; and

"(vii) definitions of instructional materials, authorized entities, and eligible students.

"(2) REPORT.—Not later than 24 months after the first meeting, the Commission shall submit a report to the Secretary and to Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study under subsection (a), together with the Commission's recommendations for such legislation and administrative actions as the Commission considers to be appropriate to implement the development of a comprehensive approach that will ensure that post-secondary students with print disabilities can access

instructional materials in specialized formats in a timeframe comparable to the availability of standard instructional materials for students without disabilities.

"(3) FACILITATION OF EXCHANGE OF INFORMATION.—In carrying out the study under subsection (a), the Commission shall, to the extent practicable, facilitate the exchange of information concerning the issues that are the subject of the study among—

"(A) officials of the Federal Government;

"(B) educators from Federal, State, and local institutions of higher education and secondary schools;

"(C) publishers of instructional materials;

"(D) producers of materials in specialized formats;

"(E) representatives from the community of individuals with print disabilities; and

"(F) participants in the Model Demonstration Programs to Support Improved Access to Postsecondary Instructional Materials for Students with Print Disabilities, as described in section 766B.

"(c) COMMISSION PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

"(3) STAFF.—

"(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform the Commission's duties. The employment of an executive director shall be subject to confirmation by the Commission.

"(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

"(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(d) TERMINATION OF THE COMMISSION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the Commission's report under subsection (b)(2).

"SEC. 766B. MODEL DEMONSTRATION PROGRAMS TO SUPPORT IMPROVED ACCESS TO POSTSECONDARY INSTRUCTIONAL MATERIALS FOR STUDENTS WITH PRINT DISABILITIES.

"(a) PURPOSE.—It is the purpose of this section to support model demonstration programs to encourage the development of systems to improve the timely delivery and quality of postsecondary instructional materials in specialized formats to students with print disabilities, including systems to improve efficiency and reduce duplicative efforts across multiple institutions of higher education.

"(b) IN GENERAL.—The Secretary shall, on a competitive basis, award grants to, and enter into cooperative agreements with, a minimum of one partnership of two or more eligible entities to support the activities described in subsections (d) and (e).

"(c) PARTNERSHIP OF ELIGIBLE ENTITIES.—In this section, a partnership of two or more eligible entities—

"(1) shall include—

"(A) an institution of higher education with demonstrated expertise in meeting the

needs of students with print disabilities, including retention and completion of such students; and

"(B) a public or private entity with demonstrated expertise in working with the creation of accessible instructional materials in specialized formats for postsecondary students with print disabilities, and the technical development expertise necessary for the efficient dissemination of such materials, including procedures to protect against copyright infringement with respect to the creation, use, and distribution of print course materials in specialized formats; and

"(2) may include one or more publishers of instructional materials.

"(d) REQUIRED ACTIVITIES.—The Secretary shall support the development and implementation of the following:

"(1) Processes and systems to help identify, and verify eligibility of, postsecondary students with print disabilities in need of instructional materials in specialized formats.

"(2) Procedures and systems to facilitate and simplify request methods for accessible instructional

materials in specialized formats from eligible students, which may include a single point-of-entry system.

"(3) Procedures and systems to coordinate between institutions of higher education, publishers of instructional materials, and entities that produce materials in specialized formats, to efficiently facilitate requests for such materials, the responses to such requests, and the delivery of such materials.

"(4) Delivery systems that will ensure the timely provision of instructional materials in specialized formats to eligible students, which may include electronic file distribution.

"(5) Systems to encourage reduction of duplicative conversions of the same instructional materials for multiple eligible students at multiple institutions of higher education when such conversions may be shared.

"(6) Procedures to protect against copyright infringement with respect to the creation, use, and distribution of instructional materials while maintaining accessibility for students with print disabilities, which may include digital technologies such as watermarking, fingerprinting, and other emerging strategies.

"(7) Awareness, outreach, and training activities for faculty, staff, and students related to the acquisition and dissemination of instructional materials in specialized formats and instructional materials utilizing universal design.

"(8) Evaluation of the effectiveness of the programs under this section.

"(9) Guidance on how successful procedures and systems described in paragraphs (1) through (7) could be disseminated and implemented on a national basis.

"(e) AUTHORIZED ACTIVITIES.—The Secretary may support the development and implementation of the following:

"(1) Approaches limited to instructional materials used in smaller categories of postsecondary courses, such as introductory, first-, and second-year courses.

"(2) Market-based approaches for making instructional materials in specialized formats directly available to eligible students at prices comparable to standard instructional materials.

"(3) Approaches supporting a unified search across multiple databases or lists of available materials.

"(f) APPLICATION.—A partnership of eligible entities that wishes to apply for a grant under this section shall submit an application for such grant at such time, in such manner and in such format as the Secretary may prescribe. The application shall include information on how the partnership will implement activities under subsection (d) and, as applicable, subsection (e).

"(g) PRIORITY.—In awarding grants under this section, the Secretary shall give priority consideration to any applications that include development and implementation of the procedures and systems described in subsection (e)(2) or (e)(3).

"(h) REPORT TO CONGRESS.—Not later than 3 years after the date of the first grant award under this section, the Secretary shall submit to Congress a report that includes—

"(1) the number of grants and the amount of funds distributed under this section;

"(2) a summary of the purposes for which the grants were provided and an evaluation of the progress made under such grants;

"(3) a summary of the activities implemented under subsection (d) and, as applicable, subsection (e), including data on the number of students served

and the number of instructional material requests executed and delivered in specialized formats; and

"(4) an evaluation of the effectiveness of programs funded under this section.

"(i) MODEL EXPANSION.—After 3 years, the Secretary shall review the results of the evaluations of participating partnerships, as well as the Commission report described in section 766A. If the Secretary finds that models used under this section are effective in improving the timely delivery and quality of materials in specialized formats and provide adequate protections against copyright infringement, the Secretary may expand the demonstration program to additional grantees reflecting regional and programmatic partnerships.

"(j) MODEL EXPANSION SPECIAL RULE.—The Commission's recommendations shall be submitted to the Secretary and a public comment period shall be issued prior to any expansion under subsection (i). No later than 90 days after close of public comment period, the Secretary shall issue guidance to new and existing grantees, taking into consideration the final Commission recommendations and public comments.

"(k) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to limit or preempt any State law requiring the production or distribution of postsecondary

instructional materials in accessible formats to students with disabilities.

"SEC. 766C. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

"Subpart 3—Transition Programs for Students With Intellectual Disabilities Into Higher Education; Coordinating Center

"SEC. 767. PURPOSE.

"The purpose of this subpart is to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

"SEC. 768. DEFINITIONS.

"In this Act:

"(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that is—

"(A) offered by an institution of higher education;

"(B) designed to support students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at an institution of higher education in order to prepare for gainful employment and independent living;

"(C) includes an advising and curriculum structure; and

"(D) requires students to participate on at least a half-time basis, as determined by the institution, with such participation focusing on academic components such as reading, language arts, or math, and occurring through a combination of one or more of the following activities:

"(i) Regular enrollment in courses offered by the institution.

"(ii) Auditing or participating in courses offered by the institution for which the student does not receive regular academic credit.

"(iii) Enrollment in noncredit, nondegree courses.

"(iv) Participation in internships or apprenticeships.

"(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student who is—

"(A) an individual whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning; and

"(B)(i) a student eligible for assistance under the Individuals with Disabilities Education Act who has completed secondary school; or

"(ii) an individual who was, but is no longer, eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State in which the student resides provides a free appropriate public education.

"SEC. 769. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Office of Postsecondary Education shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to

1 create or expand high-quality, inclusive model com-
2 prehensive transition and postsecondary programs
3 for students with intellectual disabilities.

4 "(2) DURATION OF GRANTS.—A grant under
5 this section shall be awarded for a period of 5 years.

6 "(b) APPLICATION.—An institution of higher edu-
7 cation (or a consortium) desiring a grant under this sec-
8 tion shall submit an application to the Office of Postsec-
9 ondary Education at such time, in such manner, and con-
10 taining such information as the Office of Postsecondary
11 Education may require.

12 "(c) PREFERENCE.—In awarding grants under this
13 section, the Office of Postsecondary Education shall give
14 preference to institutions of higher education (or con-
15 sortia) that—

16 "(1) are located in geographically diverse, un-
17 derserved areas; or

18 "(2) in the application submitted under sub-
19 section (b), agree to incorporate 1 or more of the
20 following elements into the model programs carried
21 out under the grant:

22 "(A) The formation of a partnership with
23 any relevant agency serving students with intel-
24 lectual disabilities, such as a vocational rehabili-
25 tation agency.

"(B) In the case of an institution of higher education that provides institutionally owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into such housing.

"(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program carried out under the grant.

"(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

"(1) serves students with intellectual disabilities;

"(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

"(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

"(A) academic enrichment;

"(B) socialization;

"(C) independent living, including self-advocacy skills; and

"(D) integrated work experiences and career skills that lead to gainful employment;

"(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

"(5) participates with the coordinating center established under section 770 in the evaluation of the model program;

"(6) partners with 1 or more local educational agencies to support the participation of students with intellectual disabilities in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act, including regarding the utilization of funds available under part B of such Act for such students;

"(7) plans for the sustainability of the model program after the end of the grant period; and

"(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

"(e) MATCHING REQUIREMENT.—An institution of higher education that receives a grant under this section shall provide matching funds toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant, which may be provided in cash or in kind, in an amount not less than 25 percent of the amount of such grant funds.

"(f) REPORT.—Not later than 5 years after the date of the first grant award under this section, the Office of Postsecondary Education shall prepare and disseminate a report to the authorizing committees and to the public that reviews the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities authorized under this subpart and provides guidance and recommendations on how successful programs can be replicated.

"SEC. 770. COORDINATING CENTER FOR TECHNICAL ASSISTANCE, EVALUATION, AND DEVELOPMENT OF STANDARDS.

"(a) IN GENERAL.—

"(1) AWARD.—The Office of Postsecondary Education shall, on a competitive basis, enter into a cooperative agreement with an eligible entity, for the purpose of establishing a coordinating center for technical assistance, evaluation, and recommendations related to the development of accreditation standards for institutions of higher education that offer inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities.

"(2) DURATION.—The cooperative agreement under this section shall be for a period of 5 years.

"(b) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this section shall establish and maintain a center that shall—

"(1) serve as the technical assistance entity for all comprehensive transition and postsecondary programs for students with intellectual disabilities assisted under section 769;

"(2) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

"(3) develop an evaluation protocol for such programs that includes qualitative and quantitative methodology measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

"(4) assist recipients of grants under section 769 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential takes into consideration unique State factors;

"(5) define the necessary components of such programs, such as—

"(A) academic, vocational, social, and independent living skills;

"(B) evaluation of student progress;

"(C) program administration and evaluation;

"(D) student eligibility; and

"(E) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock

hours at an institution of higher education, as the case may be;

"(6) analyze possible funding streams for such programs and provide recommendations regarding funding streams;

"(7) develop model memoranda of agreement between institutions of higher education and agencies providing funding for such programs;

"(8) develop mechanisms for regular communication between the recipients of grants under section 769 regarding such programs;

"(9) host a meeting of all recipients of grants under section 769 not less often than once each year; and

"(10) convene a workgroup to develop recommendations on criteria, standards, and components of such programs as described in paragraph (5), to include the participation of—

"(A) an expert in higher education;

"(B) an expert in special education;

"(C) a disability organization that represents students with intellectual disabilities; and

"(D) a national, State, or regional accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV.

"(c) REPORT.—No later than 5 years after the date of the establishment of the coordinating center under this section, such center shall report to the Secretary, the Congress, and the National Advisory Committee on Institutional Quality and Integrity on the recommendations of the workgroup described in subsection (b)(10).

"(d) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of higher education, students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, evaluation, and technical assistance.

"SEC. 770A. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2009 and each of the 4 succeeding fiscal years.".

(f) CONFORMING AMENDMENTS.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in section 761, by striking "part" and inserting "subpart";

(2) in section 762 (as amended by subsection (a)), by striking ''part'' each place the term appears and inserting ''subpart'';

(3) in section 763, in the matter preceding paragraph (1), by striking ''part'' and inserting ''subpart'';

(4) in section 764, by striking ''part'' and inserting ''subpart''; and

(5) in section 765, by striking ''part'' and inserting ''subpart''.

SEC. 709. SUBGRANTS TO NONPROFIT ORGANIZATIONS.

Section 771(e) (20 U.S.C. 1141(e)), as added by section 802 of the College Cost Reduction and Access Act of 2007, is amended by inserting after ''of this Act)'' the following: '', or those who have agreements with the Secretary under section 435(j)''.

SEC. 710. NURSING EDUCATION.

Title VII (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following new part:

''PART F—NURSING EDUCATION

''SEC. 776. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS.

''(a) AUTHORIZATION.—The Secretary shall award grants to institutions of higher education that offer—

"(1) a R.N. nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional R.N. nursing program students; or

"(2) a graduate-level nursing program to accommodate advanced practice degrees for Registered Nurses or to accommodate students enrolled in a graduate-level nursing program to provide teachers of nursing students.

"(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

"(1) determine for the 4 academic years preceding the academic year for which the determination is made the average number of matriculated nursing program students, in each of the institution's nursing programs (associate, baccalaureate, or advanced nursing degree program), at such institution for such academic years; and

"(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number in each of the institu-

tion's nursing programs determined under paragraph (1).

"(c) GRANT AMOUNT; AWARD BASIS.—

"(1) GRANT AMOUNT.—For each academic year after academic year 2008–2009, the Secretary is authorized to provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number of matriculated nursing program students at such institution for such academic year that is more than the average number determined with respect to such institution under subsection (b)(1). Such amount shall be used for the purposes described in subsection (a).

"(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

"(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice de-

grees or students in graduate-level nursing programs;

"(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the baccalaureate degree level; and

"(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the associate degree level.

"(B) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain available after the Secretary awards grants under this section to all applicants for the particular category of nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants for the remaining categories of nursing programs.

"(C) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure—

"(i) an equitable geographic distribution of the grants among the States; and

"(ii) an equitable distribution of the grants among different types of institutions of higher education.

"(d) PROHIBITION.—

"(1) USE OF FUNDS.—Funds provided under this section may not be used for the construction of new facilities.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

"SEC. 777. NURSE FACULTY PILOT PROJECT.

"(a) PURPOSES.—The purposes of this section are to create a pilot program—

"(1) to provide scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program; and

"(2) to provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to ensure that those employees can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty.

"(b) ASSISTANCE AUTHORIZED.—

"(1) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may, on a competitive basis, award grants to, and enter into contracts and cooperative agreements with, partnerships composed of an accredited school of nursing at an institution of higher education and a hospital or health facility to establish not more than 5 pilot projects to enable such hospital or health facility to retain its staff of experienced nurses while providing a mechanism to have such nurses become, through an accelerated nursing education program, faculty members of an accredited school of nursing.

"(2) DURATION; EVALUATION AND DISSEMINATION.—

"(A) DURATION.—Grants under this section shall be awarded for a period of 3 to 5 years.

"(B) MANDATORY EVALUATION AND DISSEMINATION.—Grants under this section shall be primarily used for evaluation, and dissemination to other institutions of higher education, of the information obtained through the activities described in subsection (a)(2).

"(3) CONSIDERATIONS IN MAKING AWARDS.—In awarding grants and entering into contracts and cooperative agreements under this section, the Secretary shall consider the following:

"(A) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

"(B) RURAL AND URBAN AREAS.—Distributing such grants to urban and rural areas.

"(C) RANGE AND TYPE OF INSTITUTION.—Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education, including institutions providing alternative methods of delivery of instruction in addition to on-site learning.

"(D) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—The extent to which institutions of higher education have demonstrated prior experience in providing advanced nursing education programs to prepare nurses interested in pursuing a faculty role.

"(4) USES OF FUNDS.—Funds made available by grant, contract, or cooperative agreement under this section may be used—

"(A) to develop a new national demonstration initiative to align nursing education with the emerging challenges of healthcare delivery; and

"(B) for any one or more of the following innovations in educational programs:

"(i) To develop a clinical simulation laboratory in a hospital, health facility, or accredited school of nursing.

"(ii) To purchase distance learning technologies and to expand methods of delivery of instruction to include alternatives in addition to on-site learning.

"(iii) To fund release time for qualified nurses enrolled in the graduate nursing program.

"(iv) To provide for faculty salaries.

"(v) To collect and analyze data on educational outcomes.

"(c) APPLICATIONS.—Each partnership desiring to receive a grant, contract, or cooperative agreement under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include assurances that—

"(1) the individuals enrolled in the program will be qualified nurses in pursuit of a master's or doctoral degree in nursing and have a contractual obligation with the hospital or health facility that is in partnership with the institution of higher education;

"(2) the hospital or health facility of employment will be the clinical site for the accredited school of nursing program if the program requires a clinical site;

"(3) individuals enrolled in the program will maintain their employment on at least a part-time basis with the hospital or health facility that allowed them to participate in the program, and will receive an income from the hospital or health facility, as at least a part-time employee, and release times or flexible schedules to accommodate their program requirements, as necessary; and

"(4) upon completion of the program, such individuals will be required to teach for 2 years in an accredited school of nursing for each year of support the individual received under this program.

"(d) DEFINITION.—For purposes of this section, the term 'health facility' means an Indian Health Service center, a Native Hawaiian health center, a hospital, a federally qualified health center, a rural health clinic, a nursing

1 home, a home health agency, a hospice program, a public
2 health clinic, a State or local department of public health,
3 a skilled nursing facility, or an ambulatory surgical center.
4 "(e) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 not more than $10,000,000 for fiscal year 2009 and such
7 sums as may be necessary for each of the 4 succeeding
8 fiscal years.".

9 **SEC. 711. NATIONAL STUDY ON HIGHER EDUCATION AC-**
10 **CESS AND SUCCESS FOR STUDENTS WITH**
11 **DISABILITIES.**

12 (a) STUDY.—The Comptroller General shall conduct
13 a study of the barriers to, and opportunities for, the full
14 participation of students with disabilities in institutions of
15 higher education. The study shall address—
16 (1) the extent to which, and manner in which,
17 students with disabilities are—
18 (A) prepared to participate in postsec-
19 ondary education upon enrollment;
20 (B) applying to different types of institu-
21 tions of higher education;
22 (C) accepted into different types of institu-
23 tions of higher education;
24 (D) enrolling in and attending different
25 types of institutions of higher education;

(E) utilizing financial aid programs; and

(F) completing programs of study at different types of institutions of higher education;

(2) factors that influence the accessibility of higher education for a broad spectrum of students with different disabilities, including—

(A) physical access;

(B) communication and outreach in accessible formats, including websites, admissions information, financial aid information, and other general information;

(C) availability of accessible instructional materials in a timely manner;

(D) financial factors; and

(E) eligibility for, and ability to access, adequate support services;

(3) the provision of accommodations for students with disabilities on college entrance and graduate admissions tests, including—

(A) the frequency of, and approval rate for, accommodations requests;

(B) documentation requirements for accommodations requests and criteria used to determine if an accommodation is appropriate; and

(C) challenges facing students in accessing reasonable accommodations on such tests;

(4) the effectiveness and capacity of disability support services in helping to recruit, retain, and support students with disabilities to complete their programs of study, and the role of disability support services relative to other departments in institutions of higher education, including—

(A) the number of staff working in disability support services offices;

(B) the budgets of disability support services offices; and

(C) the placement of the disability support services offices within the administrative structure of the institutions of higher education;

(5) the extent to which institutions of higher education provide assistance to students with disabilities to coordinate with, and receive services from, other support programs that may be available to such students, including services provided by local educational agencies, vocational rehabilitation agencies, Social Security, Medicaid, and other Federal, State, and local programs; and

(6) in institutions of higher education that have been effective in recruiting and graduating students

with disabilities, the factors that may contribute to such effectiveness, including—

(A) faculty and staff preparation related to working with students with disabilities;

(B) program characteristics;

(C) accommodations and supports available; and

(D) any other relevant factors.

(b) REPORT.—The Comptroller General shall submit a report regarding the results of the study under subsection (a) to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) no later than 24 months after the date of the enactment of this Act.

TITLE VIII—ADDITIONAL PROGRAMS

SEC. 801. ADDITIONAL PROGRAMS.

The Higher Education Act of 1965 is further amended by adding at the end the following new title:

"TITLE VIII—ADDITIONAL PROGRAMS

"SEC. 800. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

"PART A—LOW TUITION

"SEC. 801. INCENTIVES AND REWARDS FOR LOW TUITION.

''(a) REWARDS FOR LOW TUITION.—

''(1) GRANTS.—From funds made available under section 800, the Secretary shall award grants to institutions of higher education that, for academic year 2008–2009 or any succeeding academic year: (A) have an annual net tuition increase (expressed as a percentage) for the most recent academic year for which satisfactory data is available that is equal to or less than the percentage change in the postsecondary education price index for such academic year; (B) are public institutions of higher education that have a net tuition that is in the lowest quartile of comparable institutions; or (C) are public institutions of higher education that have a tuition increase of less than $500 for a full-time undergraduate student.

''(2) USE OF FUNDS.—Funds awarded to an institution of higher education under paragraph (1) shall be distributed by the institution in the form of need-based grant aid to students who are eligible for Federal Pell Grants, except that no student shall receive an amount under this section that would cause the amount of total financial aid received by such

1 student to exceed the cost of attendance of the insti-
2 tution.
3 "(b) REWARDS FOR GUARANTEED TUITION.—
4 "(1) BONUS.—For each institution of higher
5 education that the Secretary determines complies
6 with the requirements of paragraph (2) or (3) of
7 this subsection, the Secretary shall provide to such
8 institution a bonus amount. Such institution shall
9 award the bonus amount in the form of need-based
10 aid first to students who are eligible for Federal Pell
11 Grants who were in attendance at the institution
12 during the award year that such institution satisfied
13 the eligibility criteria for maintaining low tuition and
14 fees, then to students who are eligible for Federal
15 Pell Grants who were not in attendance at the insti-
16 tution during such award year.
17 "(2) 4-YEAR INSTITUTIONS.—An institution of
18 higher education that provides a program of instruc-
19 tion for which it awards a bachelor's degree complies
20 with the requirements of this paragraph if—
21 "(A) for a public institution of higher edu-
22 cation, such institution's tuition is in the lowest
23 quartile of comparable institutions; or
24 "(B) for any institution of higher edu-
25 cation, such institution guarantees that for any

academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 4 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

"(i) for a public institution of higher education, $500 per year for a full-time undergraduate student; or

"(ii) for any other institution of higher education—

"(I) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

"(II) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subclause (I).

"(3) LESS-THAN 4-YEAR INSTITUTIONS.—An institution of higher education that does not provide a program of instruction for which it awards a bach-

elor's degree complies with the requirements of this paragraph if—

"(A) for a public institution of higher education, such institution's tuition is in the lowest quartile of comparable institutions; or

"(B) for any institution of higher education, such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 1.5 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

"(i) for a public institution of higher education, $500 per year for a full-time undergraduate student; or

"(ii) for any other institution of higher education—

"(I) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

"(II) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior aca-

demic year for which data is available, multiplied by the amount determined under subclause (I).

"(c) MAINTAINING AFFORDABLE TUITION.—

"(1) INSTITUTION REPORTS.—If an institution of higher education has an increase in annual net tuition (expressed as a percentage), for the most recent academic year for which satisfactory data is available, that is greater than the percentage increase in the postsecondary education price index for such academic year, and, with respect to any public institution of higher education, has a tuition that is not in the lowest quartile of comparable institutions the institution or a representative association is required to submit to the Secretary the following information, within 6 months of such determination:

"(A) A report on the factors contributing to the increase in the institution's costs and the increase in net tuition and fees charged to students, including identification of the major areas in the institution's budget with the greatest cost increases.

"(B) The institution's 3 most recent Form 990s submitted to the Internal Revenue Serv-

ice, as required under section 6033 of the Internal Revenue Code of 1986.

"(C) A description of the major areas of expenditures in the institution's budget with the greatest increase for such academic year.

"(D) A description of actions being taken by the institution to reduce net tuition.

"(2) REPORT TO CONGRESS.—The Secretary shall compile the information submitted under this subsection and shall provide to the authorizing committees an annual report relating to such information.

"(d) DEFINITIONS.—In this section:

"(1) NET TUITION.—The term 'net tuition' means the average tuition and fees charged to a full-time undergraduate student by an institution of higher education for an academic year, minus the average grant amount received by such a student for such academic year.

"(2) POSTSECONDARY EDUCATION PRICE INDEX.—The term 'postsecondary education price index' means the postsecondary education price index developed pursuant to section 133(i).

"PART B—COOPERATIVE EDUCATION

"SEC. 811. STATEMENT OF PURPOSE; DEFINITION.

"(a) PURPOSE.—It is the purpose of this part to award grants to institutions of higher education or combinations of such institutions to encourage such institutions to develop and make available to as many of their students as possible work experience that will aid such students in future careers and will enable such students to support themselves financially while in school.

"(b) DEFINITION.—In this part the term 'cooperative education' means the provision of alternating or parallel periods of academic study and public or private employment to give students work experiences related to their academic or occupational objectives and an opportunity to earn the funds necessary for continuing and completing their education.

"SEC. 812. RESERVATIONS.

"(a) RESERVATIONS.—Of the amount appropriated to carry out this part under section 800 in each fiscal year—

"(1) not less than 50 percent shall be available for awarding grants to institutions of higher education and combinations of such institutions described in section 813(a)(1)(A) for cooperative education under section 813;

"(2) not less than 25 percent shall be available for awarding grants to institutions of higher education described in section 813(a)(1)(B) for cooperative education under section 813;

"(3) not to exceed 11 percent shall be available for demonstration projects under paragraph (1) of section 814(a);

"(4) not to exceed 11 percent shall be available for training and resource centers under paragraph (2) of section 814(a); and

"(5) not to exceed 3 percent shall be available for research under paragraph (3) of section 814(a).

"(b) AVAILABILITY OF APPROPRIATIONS.—Appropriations under this part shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this part.

"SEC. 813. GRANTS FOR COOPERATIVE EDUCATION.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized, from the amount available to carry out this part under section 800 in each fiscal year and in accordance with the provisions of this part—

"(A) to award grants to institutions of higher education or combinations of such institutions that have not received a grant under

this paragraph in the 10-year period preceding the date for which a grant under this section is requested to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or combinations of institutions; and

"(B) to award grants to institutions of higher education that are operating an existing cooperative education program as determined by the Secretary to pay the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions.

"(2) PROGRAM REQUIREMENT.—Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving students work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.

"(3) AMOUNT OF GRANTS.—

"(A) The amount of each grant awarded pursuant to paragraph (1)(A) to any institution of higher education or combination of such in-

stitutions in any fiscal year shall not exceed $500,000.

"(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that has an application approved under subsection (b) in an amount which bears the same ratio to the amount reserved pursuant to section 812(a)(2) for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the preceding fiscal year by such institution of higher education (other than cooperative education jobs under section 814 and as determined by the Secretary) bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.

"(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount which exceeds 25 percent of such institution's cooperative education program's personnel and operating budget for the preceding fiscal year.

"(iii) The minimum annual grant amount which an institution of higher education is eligible to receive under paragraph (1)(B) is $1,000 and the maximum annual grant amount is $75,000.

"(4) LIMITATION.—The Secretary shall not award grants pursuant to paragraphs (1)(A) and (B) to the same institution of higher education or combination of such institution in any one fiscal year.

"(5) USES.—Grants under paragraph (1)(B) shall be used exclusively—

"(A) to expand the quality of and participation in a cooperative education program;

"(B) for outreach in new curricular areas; and

"(C) for outreach to potential participants including underrepresented and nontraditional populations.

"(b) APPLICATIONS.—Each institution of higher education or combination of such institutions desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—

"(1) set forth the program or activities for which a grant is authorized under this section;

"(2) specify each portion of such program or activities which will be performed by a nonprofit organization or institution other than the applicant, and the compensation to be paid for such performance;

"(3) provide that the applicant will expend during the fiscal year for which the grant is awarded for the purpose of such program or activities not less than the amount expended for such purpose during the previous fiscal year;

"(4) describe the plans which the applicant will carry out to assure, and contain a formal statement of the institution's commitment which assures, that the applicant will continue the cooperative education program beyond the 5-year period of Federal assistance described in subsection (c)(1) at a level which is not less than the total amount expended for such program during the first year such program was assisted under this section;

"(5) provide that, in the case of an institution of higher education that provides a 2-year program which is acceptable for full credit toward a bachelor's degree, the cooperative education program will

be available to students who are certificate or associate degree candidates and who carry at least one-half of the normal full-time academic workload;

"(6) provide that the applicant will—

"(A) make such reports as may be necessary to ensure that the applicant is complying with the provisions of this section, including reports for the second and each succeeding fiscal year for which the applicant receives a grant with respect to the impact of the cooperative education program in the previous fiscal year, including—

"(i) the number of unduplicated student applicants in the cooperative education program;

"(ii) the number of unduplicated students placed in cooperative education jobs;

"(iii) the number of employers who have hired cooperative education students;

"(iv) the income for students derived from working in cooperative education jobs; and

"(v) the increase or decrease in the number of unduplicated students placed in cooperative education jobs in each fiscal

year compared to the previous fiscal year; and

"(B) keep such records as may be necessary to ensure that the applicant is complying with the provisions of this part, including the notation of cooperative education employment on the student's transcript;

"(7) describe the extent to which programs in the academic disciplines for which the application is made have had a favorable reception by public and private sector employers;

"(8) describe the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit;

"(9) describe the plans that the applicant will carry out to evaluate the applicant's cooperative education program at the end of the grant period;

"(10) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this part;

"(11) demonstrate a commitment to serving all underserved populations at the institution; and

"(12) include such other information as may be necessary to carry out the provisions of this part.

"(c) DURATION OF GRANTS; FEDERAL SHARE.—

"(1) DURATION OF GRANTS.—No individual institution of higher education may receive, individually or as a participant in a combination of such institutions—

"(A) a grant pursuant to subsection (a)(1)(A) for more than 5 fiscal years; or

"(B) a grant pursuant to subsection (a)(1)(B) for more than 5 fiscal years.

"(2) FEDERAL SHARE.—The Federal share of a grant under subsection (a)(1)(A) may not exceed—

"(A) 85 percent of the cost of carrying out the program or activities described in the application in the first year the applicant receives a grant under this section;

"(B) 70 percent of such cost in the second such year;

"(C) 55 percent of such cost in the third such year;

"(D) 40 percent of such cost in the fourth such year; and

"(E) 25 percent of such cost in the fifth such year.

"(3) SPECIAL RULE.—Any provision of law to the contrary notwithstanding, the Secretary shall not waive the provisions of this subsection.

"(d) MAINTENANCE OF EFFORT.—If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.

"(e) FACTORS FOR SPECIAL CONSIDERATION OF APPLICATIONS.—

"(1) IN GENERAL.—In approving applications under this section, the Secretary shall give special consideration to applications from institutions of higher education or combinations of such institutions for programs which show the greatest promise of success because of—

"(A) the extent to which programs in the academic discipline with respect to which the application is made have had a favorable reception by public and private sector employers;

"(B) the strength of the commitment of the institution of higher education or combination of such institutions to cooperative education as demonstrated by the plans and formalized institutional commitment statement

which such institution or combination has made to continue the program after the termination of Federal financial assistance;

"(C) the extent to which the institution or combination of institutions is committed to extending cooperative education for all students who can benefit; and

"(D) such other factors as are consistent with the purposes of this section.

"(2) ADDITIONAL SPECIAL CONSIDERATION.—The Secretary shall also give special consideration to applications from institutions of higher education or combinations of such institutions which demonstrate a commitment to serving all underserved populations attending such institutions.

"SEC. 814. DEMONSTRATION AND INNOVATION PROJECTS; TRAINING AND RESOURCE CENTERS; AND RESEARCH.

"(a) AUTHORIZATION.—The Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts—

"(1) from the amounts available in each fiscal year under section 812(a)(3), for the conduct of demonstration projects designed to demonstrate or

determine the feasibility or value of innovative methods of cooperative education;

"(2) from the amounts available in each fiscal year under section 812(a)(4), for the conduct of training and resource centers designed to—

"(A) train personnel in the field of cooperative education;

"(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;

"(C) furnish technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;

"(D) encourage model cooperative education programs which furnish education and training in occupations in which there is a national need;

"(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to (i) assist the institution that is not the institution

carrying out the cooperative education program to develop and expand an existing program of cooperative education, or (ii) establish and improve or expand comprehensive cooperative education programs; and

"(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields; and

"(3) from the amounts available in each fiscal year under section 812(a)(5), for the conduct of research relating to cooperative education.

"(b) ADMINISTRATIVE PROVISION.—

"(1) IN GENERAL.—To carry out this section, the Secretary may—

"(A) make grants to or contracts with institutions of higher education, or combinations of such institutions; and

"(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will make an especially significant contribution to attaining the objectives of this section.

"(2) LIMITATION.—

"(A) The Secretary may not use more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(A).

"(B) The Secretary may use not more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(B).

"(c) SUPPLEMENT NOT SUPPLANT.—A recipient of a grant or contract under this section may use the funds provided only so as to supplement and, to the extent possible, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.

"PART C—COLLEGE PARTNERSHIP GRANTS

"SEC. 821. COLLEGE PARTNERSHIP GRANTS AUTHORIZED.

"(a) GRANTS AUTHORIZED.—From the amount appropriated to carry out this part under section 800, the Secretary shall award grants to eligible partnerships for the purposes of developing and implementing articulation agreements.

"(b) ELIGIBLE PARTNERSHIPS.—For purposes of this part, an eligible partnership shall include at least two institutions of higher education, or a system of institutions of higher education, and may include either or both of the following:

"(1) A consortia of institutions of higher education.

"(2) A State higher education agency.

"(c) PRIORITY.—The Secretary shall give priority to eligible partnerships that—

"(1) are located in a State that is in compliance with section 486A; or

"(2) include—

"(A) 1 or more junior or community colleges (as defined by section 312(f) of this Act) that award associate's degrees; and

"(B) 1 or more institutions of higher education that offer a baccalaureate or post baccalaureate degree not awarded by the institutions described in subparagraph (A) with which it is partnered.

"(d) MANDATORY USE OF FUNDS.—Grants awarded under this part shall be used for—

"(1) the development of policies and programs to expand opportunities for students to earn bach-

elor's degrees, by facilitating the transfer of academic credits between institutions and expanding articulation and guaranteed transfer agreements between institutions of higher education, including through common course numbering and general education core curriculum;

"(2) academic program enhancements; and

"(3) programs to identify and remove barriers that inhibit student transfers, including technological and informational programs.

"(e) OPTIONAL USE OF FUNDS.—Grants awarded under this part may be used for—

"(1) support services to students participating in the program, such as tutoring, mentoring, and academic and personal counseling; and

"(2) any service that facilitates the transition of students between the partner institutions.

"(f) PROHIBITION.—No funds provided under this section shall be used to financially compensate an institution for the purposes of entering into an articulation agreement or for accepting students transferring into such institution.

"(g) APPLICATIONS.—Any eligible partnership that desires to obtain a grant under this section shall submit to the Secretary an application at such time, in such man-

ner, and containing such information or assurances as the Secretary may require.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.

"(i) DEFINITION.—For purposes of this section, the term 'articulation agreement' means an agreement between institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree requirements.

"PART D—STUDENT SUCCESS GRANTS

"SEC. 826. STUDENT SUCCESS GRANTS.

"(a) AUTHORIZATION OF PILOT PROGRAM.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award grants on a competitive basis to eligible institutions for the purposes of helping low-income students succeed in persisting in and completing postsecondary education and training programs.

"(b) DEFINITIONS.—

"(1) ELIGIBLE INSTITUTION.—In this section, the term 'eligible institution' means an institution of higher education in which, during the three-year period preceding the year in which the institution is applying for a grant under this section, an average

of not less than 50 percent of the institution's entering first-year students are enrolled in developmental courses to bring reading, writing, or mathematics skills up to college-level.

"(2) ELIGIBLE STUDENT.—In this section, the term 'eligible student' means a student who—

"(A) is eligible to receive assistance under section 401;

"(B) is a first-year student at the time of entering the pilot program; and

"(C) is selected by an eligible institution to participate in the pilot program.

"(c) APPLICATION.—An eligible institution seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) STUDENT SUCCESS GRANT AMOUNT.—For an award year, each institution selected to participate in this pilot program shall receive an amount equal to $1,500 multiplied by the number of students the institution selects to participate in the pilot program in such year. An institution shall not select more than 200 students to participate in the pilot program under this section during such year.

1 "(e) PRIORITY FOR REPLICATION OF EVIDENCE-
2 BASED POLICIES AND PRACTICES.—The Secretary shall
3 give priority to applications submitted by eligible institu-
4 tions that propose to replicate policies and practices that
5 have proven effective in increasing persistence and comple-
6 tion by low-income students or students in need of devel-
7 opmental education.

8 "(f) PEER REVIEW.—The Secretary shall convene a
9 peer review process to review applications for grants under
10 this section and to make recommendations to the Sec-
11 retary regarding the selection of grantees. Members of the
12 peer review committee shall include researchers and prac-
13 titioners who are recognized experts on services and poli-
14 cies to increase low income student success in postsec-
15 ondary education and training. No member of the com-
16 mittee shall be in a position to benefit financially from
17 the grants to eligible institutions under subsection (d).

18 "(g) MANDATORY USES.—An eligible institution that
19 receives a grant under this section shall use the grant
20 funds to assign a Student Success Coach to every first-
21 year student participating in the pilot program to provide
22 intensive career and academic advising, ongoing personal
23 help in navigating college services such as financial aid
24 and registration, and assistance in connecting to commu-

nity resources that can help students overcome family and personal challenges to success. Student Success Coaches—

"(1) shall work with not more than 50 new students during any academic period;

"(2) may be employees of academic departments, student services offices, community-based organizations, or other entities as deemed appropriate by the institution; and

"(3) shall meet with each eligible student selected for the pilot program before registration for courses.

"(h) PERMISSIBLE USES.—An eligible institution that receives a grant under this section may use the grant funds to provide services and program innovations for students participating in the pilot, including the following:

"(1) College and career success courses, with tuition and fees for the course covered by the Student Success Grant. These courses may cover college success topics, including how to take notes, how to study, how to take tests, and how to budget time, and may also include a substantial career exploration component. Institutions may use such courses to help students develop a College and Career Success Plan so that by the end of the first semester

the students have a clear sense of their career goals and what classes to take to achieve such goals.

"(2) Work-study jobs with private employers in the students' fields of study.

"(3) Learning communities that ensure that students participating in the pilot are clustered together for at least two courses beginning in the first semester after enrolling and have other opportunities to create and maintain bonds that allow them to provide academic and social support to each other.

"(4) Curricular redesign, which may include such innovations as 'blended' or accelerated remediation classes that help Student Success Grant recipients to attain college-level reading, writing, math skills (or a combination thereof) more rapidly than traditional remediation formats allow, and intensive skills refresher classes, offered prior to each semester, to help students who have tested into remedial coursework to reach entry level assessment scores for the postsecondary programs they wish to enter.

"(5) Instructional support, such as learning labs, supplemental instruction, and tutoring.

"(6) Assistance with support services, such as child care and transportation.

1 "(i) GRANT PERIOD; ADDITIONAL TECHNICAL AS-
2 SISTANCE.—
3 "(1) GRANT PERIOD.—Grants made under this
4 section shall be for a period of not less than 60
5 months.
6 "(2) ADDITIONAL TECHNICAL ASSISTANCE.—
7 After 36 months, the Secretary shall review the per-
8 formance of the Student Success Grant pilot pro-
9 gram students at each institution, and if no signifi-
10 cant improvements have been made by Student Suc-
11 cess Grant pilot program students in persistence and
12 completion at an institution, then the Secretary shall
13 provide additional technical assistance to help the in-
14 stitution improve outcomes.
15 "(j) REQUIRED NON-FEDERAL SHARE.—
16 "(1) IN GENERAL.—Each institution partici-
17 pating in the pilot program under this section shall
18 provide a non-Federal match of 25 percent of the
19 amount of grant to carry out the activities of the
20 pilot program. The non-Federal share under this
21 section may be provided in cash or in kind.
22 "(2) EFFECT ON NEED ANALYSIS.—For the
23 purpose of calculating a student's need in accord-
24 ance with part F of this title, services or benefits
25 under this section shall not be considered to be an

1 asset or income of the student or the students par-
2 ents.

3 "(k) TECHNICAL ASSISTANCE.—The Secretary shall
4 enter into contracts with private entities to provide such
5 technical assistance to grantees under this section as the
6 Secretary determines appropriate.

7 "(l) EVALUATION.—

8 "(1) OUTCOME EVALUATIONS.—The Secretary
9 shall conduct an evaluation of program outcomes
10 under the pilot program, and shall disseminate to
11 the public the findings from the evaluation and in-
12 formation on best practices. The Secretary is en-
13 couraged to partner with other providers of funds,
14 such as private foundations, to allow for use of an
15 experimental or quasi-experimental evaluation in at
16 least one of the pilot program sites.

17 "(2) INSTITUTIONAL PARTICIPATION.—As a
18 condition of receiving grants under this section, par-
19 ticipating institutions shall work with the evaluator
20 to track persistence and completion outcomes for
21 students in the pilot program, specifically the pro-
22 portion of these students who take and complete de-
23 velopmental education courses, the proportion who
24 take and complete college-level coursework, and the
25 proportion who complete certificates and degrees.

This data shall be broken down by race, ethnicity, and age and the evaluator shall assist institutions in analyzing this data to compare Student Success Grant pilot program participants to comparable non-participants, using statistical techniques to control for differences in the groups.

''(3) ANNUAL REPORTS.—Participating institutions under this section shall report on the data specified in paragraph (2) annually and the Secretary shall make this data publicly available.

"PART E—JOBS TO CAREERS

"SEC. 831. GRANTS TO CREATE BRIDGES FROM JOBS TO CAREERS.

''(a) AUTHORIZATION OF PROGRAM.—From amounts appropriated to carry out this part under section 800, the Secretary shall award grants, on a competitive basis, to institutions of higher education for the purposes of improving developmental education, including English language instruction, by customizing developmental education to student career goals, and helping students move rapidly from developmental coursework into for-credit occupational program courses and through program completion. The grants under this section shall focus in particular on creating bridges to for-credit occupational certificate programs that are articulated to degree programs.

1 "(b) APPLICATION.—An eligible institution seeking a
2 grant under this section shall submit an application to the
3 Secretary at such time, in such manner, and containing
4 such information as the Secretary may require.

5 "(c) PRIORITIES.—The Secretary shall give priority
6 to applications that—

7 "(1) are from institutions of higher education
8 in which not less than 50 percent of the institution's
9 entering first-year students who are subject to man-
10 datory assessment, are assessed as needing develop-
11 mental courses to bring reading, writing, or mathe-
12 matics skills up to college-level; and

13 "(2) propose to replicate practices that have
14 proven effective with adults or propose to collaborate
15 with adult education providers.

16 "(d) PEER REVIEW.—The Secretary shall convene a
17 peer review process to review applications for grants under
18 this section and to make recommendations to the Sec-
19 retary regarding the selection of grantees.

20 "(e) MANDATORY ACTIVITY.—An eligible institution
21 that receives a grant under this section shall use the grant
22 funds to create workforce bridge programs that customize
23 developmental education curricula, including English lan-
24 guage instruction, to the content of the for-credit occupa-
25 tional certificate or degree programs, or clusters of such

1 programs, in which developmental education students seek
2 to enroll. Such bridge programs may include those that
3 integrate the curricula and the instruction of both develop-
4 mental and college-level coursework or that dually enroll
5 students in remediation and college-level coursework.

6 "(f) PERMISSIBLE ACTIVITIES.—An eligible institu-
7 tion that receives a grant under this section, in addition
8 to creating workforce bridge programs, may use the grant
9 funds to carry out the following:

10 "(1) Design and implement innovative ways to
11 improve retention in and completion of develop-
12 mental education courses, including enrolling stu-
13 dents in cohorts, accelerating course content, inte-
14 grating remediation and college-level curricula and
15 instruction, dually enrolling students in develop-
16 mental and college-level courses, tutoring, providing
17 counseling and other supportive services, and giving
18 small, material incentives for attendance and per-
19 formance.

20 "(2) In consultation with faculty in the appro-
21 priate departments, redesignating class schedules to
22 meet the needs of working adults, such as by cre-
23 ating evening, weekend, modular, compressed, dis-
24 tance-learning formats, or other alternative sched-
25 ules.

"(3) Improving the quality of teaching in remedial courses through professional development, reclassification of such teaching positions, or other means the eligible institution determines appropriate.

"(4) Any other activities the eligible institution and the Secretary determine will promote retention of, and completion by, students attending institutions of higher education.

"(5) Fully advise students on the range of options and programs available, which may include: diploma; certification; 2-year degree; associate's degree; transfer degree to upper division; and career options.

"(g) GRANT PERIOD.—Grants made under this section shall be for a period of not less than 36 months and not more than 60 months.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to grantees under this section throughout the grant period.

"(i) EVALUATION.—The Secretary shall conduct an evaluation of program impacts under the demonstration program, and shall disseminate to the public the findings from the evaluation and information on best practices. The Secretary is encouraged to partner with other pro-

viders of funds, such as private foundations, to allow for use of a random assignment evaluation in at least one of the demonstration sites.

"(j) DEFINITION OF INSTITUTION.—In this section, the term 'institution of higher education' means an institution of higher education as defined in section 101(a).

"PART F—PROJECT GRAD

"SEC. 836. PROJECT GRAD.

"(a) PURPOSES.—The purposes of this part are—

"(1) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation and college attendance and completion rates for disadvantaged students; and

"(2) to promote the establishment of new programs to implement such integrated education reform services.

"(b) GRANT AUTHORIZED.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award a grant to Project GRAD USA (referred to in this part as the 'grantee'), a nonprofit educational organization that has as its primary purpose the improvement of secondary school graduation and college attendance and completion rates for disadvantaged students, to implement and sustain the integrated edu-

1 cation reform services described in subsection (d)(3) at ex-
2 isting Project GRAD program sites and to promote the
3 expansion of such programs to new sites.

4 "(c) REQUIREMENTS OF GRANT AGREEMENT.—The
5 Secretary shall enter into an agreement with the grantee
6 that requires that the grantee shall—

7 "(1) enter into subcontracts with nonprofit edu-
8 cational organizations that serve a substantial num-
9 ber or percentage of low-income students (referred
10 to in this part as 'subcontractors'), under which the
11 subcontractors agree to implement the programs de-
12 scribed in subsection (d) and provide matching funds
13 for such programs;

14 "(2) directly carry out—

15 "(A) activities to implement and sustain
16 the literacy, mathematics, classroom manage-
17 ment, social service, and college access pro-
18 grams further described in subsection (d)(3);

19 "(B) activities to build the organizational
20 and management capacity of the subcontractors
21 to effectively implement and sustain the pro-
22 grams;

23 "(C) activities for the purpose of improving
24 and expanding the programs, including but not
25 limited to activities to further articulate a pro-

gram for one or more grade levels and across grade levels, to tailor a program for a particular target audience, and provide tighter integration across programs;

"(D) activities for the purpose of implementing new Project GRAD program sites;

"(E) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation and college attendance rates for disadvantaged students; and

"(F) other activities directly related to improving secondary school graduation and college attendance and completion rates for disadvantaged students; and

"(3) use grant funds available under this part to pay—

"(A) the amount determined under subsection (f)(1); and

"(B) costs associated with carrying out the activities and providing the services, as provided in paragraph (2) of this subsection.

"(d) SUPPORTED PROGRAMS.—

"(1) DESIGNATION.—The subcontractor programs referred to in subsection (c)(1) shall be known as Project GRAD programs.

"(2) FEEDER PATTERNS.—Each subcontractor shall implement a Project GRAD program and shall, with the agreement of the grantee—

"(A) identify or establish not less than one 'feeder pattern' of public schools, where 'feeder pattern' is defined as a high school and the elementary schools and middle schools that channel students into that high school; and

"(B) provide the integrated educational reform services described in paragraph (3) at the identified feeder pattern or feeder patterns.

"(3) INTEGRATED EDUCATION REFORM SERVICES.—The services provided through a Project GRAD program may include—

"(A) research-based programs in reading, mathematics, and classroom management;

"(B) campus-based social services programs, including a systematic approach to increase family and community involvement in the schools served by the Project GRAD program;

"(C) a college access program that includes—

"(i) providing college scholarships for students who meet established criteria;

"(ii) proven approaches for increasing student and family college awareness; and

"(iii) assistance for such students in applying for higher education financial aid; and

"(D) such other services identified by the grantee as necessary to increase secondary school graduation and college attendance and completion rates.

"(e) USE OF FUNDS.—Of the funds made available to carry out this part under section 800, not more than 8 percent of such funds, or $4,000,000, whichever is less, shall be used by the grantee to pay for administration of the grant, with the remainder of funds to be used for the purposes described in subsections (c)(1) and (2).

"(f) GRANTEE CONTRIBUTION AND MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The grantee shall provide to each subcontractor an average of $200 for each pupil served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

"(A) the resources available in the area where the subcontractor will implement the Project GRAD program; and

"(B) the need for Project GRAD programs in such area to improve student outcomes.

"(2) MATCHING REQUIREMENT.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to the amount received by the subcontractor from the grantee. Such matching funds may be provided in cash or in kind, fairly evaluated.

"(3) WAIVER AUTHORITY.—The grantee may waive, in whole or in part, the requirement of paragraph (2) for a subcontractor, if the subcontractor—

"(A) demonstrates that it would not otherwise be able to participate in the program; and

"(B) enters into an agreement with the grantee with respect to the amount to which the waiver will apply.

"(4) DECREASE IN GRANTEE SHARE.—Based on the funds or resources available to a subcontractor, the grantee may elect to provide the subcontractor with an amount that is less than the amount determined under paragraph (1).

"(g) EVALUATION.—

"(1) EVALUATION BY THE SECRETARY.—The Secretary shall select an independent entity to evaluate, every 3 years, the performance of students who participate in a Project GRAD program under this part. The evaluation shall—

"(A) be conducted using a rigorous research design for determining the effectiveness of the Project GRAD programs funded under this part; and

"(B) compare reading and mathematics achievement and, where applicable, the secondary school graduation, college attendance, and college completion rates of students who participate in a Project GRAD program funded under this part with those indicators for students of similar backgrounds who do not participate in such program.

"(2) EVALUATION BY GRANTEE AND SUBCONTRACTORS.—

"(A) IN GENERAL.—The grantee shall require each subcontractor to prepare an in-depth report of the results and the use of funds of each Project GRAD program funded under this part that includes—

"(i) data on the reading and mathematics achievement of students involved in the Project GRAD program;

"(ii) statistics on secondary school graduation, college attendance, and college completion rates; and

"(iii) such financial reporting as required by the Secretary to review the effectiveness and efficiency of the program.

"(B) FORM OF REPORT.—The report shall be in a form and include such content as shall be determined by the grantee, in consultation with the Secretary or the entity selected by the Secretary to evaluate the Project GRAD programs in accordance with paragraph (1).

"(3) AVAILABILITY OF EVALUATIONS.—Copies of any evaluation or report prepared under this subsection shall be made available to—

"(A) the Secretary; and

"(B) the chairperson and ranking member of the authorizing committees.

"(h) DEFINITIONS.—In this part the term 'low-income student' means a student who is determined by a local educational agency to be from a low-income family using the measures described in section 1113(a)(5) of the

Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

"PART G—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS

"SEC. 841. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.

''(a) IN GENERAL.—From the amount appropriated to carry out this part under section 800, the Secretary shall award a grant to one nonprofit organization described in subsection (b) to enable the nonprofit organization—

''(1) to make publicly available the year-to-year higher education enrollment rate trends of secondary school students, disaggregated by secondary school, in compliance with the Family Education Rights and Privacy Act of 1974;

''(2) to identify not less than 50 urban local educational agencies and 5 States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive needs assessment in the agencies and States of the factors known to contribute to improved higher education enrollment rates, which factors shall include—

"(A) an evaluation of the local educational agency's and State's leadership strategies;

"(B) the secondary school curriculum and class offerings of the local educational agency and State;

"(C) the professional development used by the local educational agency and the State to assist teachers, higher education counselors, and administrators in supporting the transition of secondary students into higher education;

"(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into higher education;

"(E) the data systems used by the local educational agency and the State to measure college enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and school-wide outcomes; and

"(F) strategies to mobilize student leaders to build a college-bound culture; and

"(3) to provide comprehensive services to improve the school-wide higher education enrollment rates of each of not less than 10 local educational agencies and States, with the federally funded por-

tion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

"(A) participated in the needs assessment described in paragraph (2); and

"(B) demonstrated a willingness and commitment to improving the higher education enrollment rates of the local educational agency or State, respectively.

"(b) GRANT RECIPIENT CRITERIA.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

"(1) in increasing school-wide higher education enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

"(2) in a college transition data management system.

"PART H—DIPLOMA MILL PREVENTION

"SEC. 851. PURPOSE; DEFINITIONS.

"(a) PURPOSE.—The purpose of this part is to protect institutions of higher education, businesses and other employers, professional licensing boards, patients and clients of degree holders, taxpayers, and other individuals

from any person claiming to possess a legitimate academic degree that in fact was issued by a fraudulent or non-existent school, by a non-educational entity posing as a school, or by any entity in violation of Federal or State law.

"(b) DEFINITIONS.—In this part:

"(1) DEGREE-GRANTING INSTITUTION.—The term 'degree-granting institution' means any entity that offers or confers an academic, professional, or occupational degree, diploma, or certificate, if such degree, diploma, or certificate may be used to represent to the general public that the individual possessing such degree, diploma, or certificate has completed a program of education or training beyond secondary education.

"(2) DIPLOMA MILL.—The term 'diploma mill' means any entity that—

"(A) lacks valid accreditation by an agency recognized by a Federal agency or a State government or other organization or association that recognizes accrediting agencies as a valid accrediting agency of institutions of higher education; and

"(B) offers degrees, diplomas, or certifications, for a fee, that may be used to represent

to the general public that the individual possessing such a degree, diploma, or certification has completed a program of education or training beyond secondary education, but little or no education or course work is required to obtain such a degree, diploma, or certification.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 102.

"SEC. 852. RECOGNIZED ACCREDITING AGENCIES AND INSTITUTIONS.

"(a) LISTS MAINTAINED BY THE DEPARTMENT OF EDUCATION.—Not later than 30 days after the date of the enactment of this part, the Secretary of Education shall make available (in a regularly updated, electronic format) to the Secretary of Homeland Security and the heads of other appropriate Federal agencies, a list of—

"(1) accrediting agencies and associations, recognized by the Secretary of Education under section 496, or, at the discretion of the Secretary, other organizations involved in accreditation;

"(2) eligible institutions, as defined under section 435(a); and

"(3) to the extent practicable, foreign degree-granting institutions that—

"(A) have degree-granting authority, as granted by the appropriate agency or ministry of jurisdiction in the home country of such institution;

"(B) issue degrees that are accepted for professional licensure, public employment, and admission into graduate programs of degree-granting institutions in the home country (as determined by the Secretary of State);

"(C) are determined by the Secretary of Education to be academically equivalent to an eligible institution, as defined in section 435(a); and

"(D) are located in a home country that is capable of performing an effective academic evaluation of the degree-granting institutions to which it issues degree-granting authority, as determined by the Secretary of State, in consultation with the Secretary of Education,

for the purposes of assisting the Secretary of Homeland Security and the heads of such Federal agencies to determine, for immigration and Federal employment and hiring purposes, the legitimacy of degree-granting institutions and degrees issued by such institutions.

"(b) REVISIONS TO LISTS.—The Secretary of Education shall modify and maintain the lists described in subsection (a) as necessary to ensure that the lists and the information contained in the lists are accurate and up-to-date, based on the most recent information available to the Secretary.

"(c) NOTICE OF RECOGNITION.—To be eligible to receive funds under title IV, each eligible institution described in subsection (a)(2) shall, not later than 60 days after the date of the enactment of this part, prominently display on the institution's Internet website a notice indicating that the institution is recognized by the Secretary of Education as a legitimate institution for immigration and Federal employment and hiring purposes. If the Secretary of Education determines that an institution no longer qualifies as a legitimate degree-granting institutions described in subsection (a)(2), and removes the institution from the list maintained under such subsection, the institution shall, not later than 15 days after the removal of the institution from such list, delete the notice required by this subsection from the institution's Internet website.

"SEC. 853. ACCREDITING AGENCIES.

"No accrediting agency or association may be considered to be a reliable authority as to the quality of education or training offered by a degree-granting institution

for any purpose related to immigration, Federal employment and hiring practices, or for any other Federal purposes, unless the agency or association is on the list of accrediting agencies and associations recognized by the Secretary of Education and provided to the Secretary of Homeland Security under section 852. The Secretary may consult with other organizations, such as the Council for Higher Education Accreditation, for such purposes.

"SEC. 854. TASK FORCE.

"(a) TASK FORCE ESTABLISHED.—The Secretary of Education shall establish within the Department of Education the Diploma Mill Task Force (referred to in this part as the 'Task Force').

"(b) MEMBERSHIP.—

"(1) NUMBER AND APPOINTMENT.—The Task Force shall, if practicable, be composed of 19 members, as follows:

"(A) The Assistant Secretary of Education for Postsecondary Education.

"(B) A representative of the Department of Education with experience related to the determination of the legitimacy and quality of degrees from foreign institutions of higher education, selected by the Secretary of Education.

"(C) A representative of the Department of Justice, selected by the Attorney General.

"(D) A representative of the Federal Trade Commission, selected by the Chairman of such agency.

"(E) A representative of the Secret Service, selected by the Director of the Secret Service.

"(F) A representative of the Department of State, selected by the Secretary of State.

"(G) A representative of the Department of Homeland Security, selected by the Secretary of Homeland Security.

"(H) A representative of the Office of Personnel Management, selected by the Director of such Office.

"(I) A representative of a national accreditation association.

"(J) A representative of a national organization representing collegiate registrars and admissions officers.

"(K) Two representatives of State degree approval agencies, selected by agreement of at least 3 of the Speaker of the House of Representatives, the Senate majority leader, the

House minority leader, and the Senate minority leader.

"(L) Two representatives from regionally accredited institutions of higher education, selected by agreement of at least 3 of the Speaker of the House of Representatives, the Senate majority leader, the House minority leader, and the Senate minority leader.

"(M) One representative from a nationally accredited institution of higher education, selected by agreement of at least 3 of the Speaker of the House of Representatives, the Senate majority leader, the House minority leader, and the Senate minority leader.

"(N) Four individuals from the general population with experience in higher education, the detection of fraudulent degrees and degree-granting institutions, or law enforcement related to credential fraud, selected as follows:

"(i) One individual selected by the Speaker of the House of Representatives.

"(ii) One individual selected by the minority leader of the House of Representatives.

"(iii) One individual selected by the majority leader of the Senate.

"(iv) One individual selected by the minority leader of the Senate.

"(2) CRITERIA FOR MEMBERSHIP.—All members of the Task Force shall be persons who are especially qualified to serve on the Task Force by virtue of their education, training, or experience, particularly in the fields of higher education, accreditation of institutions of higher education, foreign higher education standards, State regulation of institutions of higher education, immigration, Federal employment requirements and hiring practices, or fraud prevention, detection, or enforcement.

"(3) TERMS.—Each member shall be appointed for the life of the Task Force.

"(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

"(5) CHAIR.—At the first meeting of the Task Force, the members of the Task Force shall elect a member of the Task Force to serve as Chair.

"(c) DUTIES.—

"(1) GUIDELINES.—The Task Force shall develop guidelines, to be used for the development of

Federal legislation, to identify degree-granting institutions as legitimate or fraudulent degree-granting institutions for Federal purposes. In developing such guidelines, the Task Force shall consider—

"(A) characteristics of degree-granting institutions that help determine the legitimacy of the institution, such as whether an entity—

"(i) offers or confers degrees, diplomas, or certificates—

"(I) for little or no meaningful academic work;

"(II) without requiring an appropriate level of academic achievement for the attainment of such degrees, diplomas, or certificates; or

"(III) without imposing academic or other requirements for admittance into the institutions or programs offering such degrees, diplomas, or certificates;

"(ii) has fiscal and administrative structures and capacity appropriate to the specified scale of educational operations;

"(iii) has resources to support claims as a degree-granting institution, including

curricula, qualified faculty, facilities, equipment, and supplies, student support services, objectives of the degrees or credentials offered, admissions practices, academic calendars and catalogs, and a grading system; and

"(iv) has degree-granting authority issued by the States in which degrees, or instruction leading to degrees, are offered, and is recognized by such States as an approved institution of higher education;

"(B) the feasibility of defining the term 'fraudulent degree-granting institution' (commonly referred to as 'diploma mills'), and if feasible, shall define such term to propose for use in Federal laws and regulations;

"(C) issues related to—

"(i) the detection of new and existing fraudulent degree-granting institutions;

"(ii) recognition and prevention of the practices used by such fraudulent degree-granting institutions to avoid detection;

"(iii) the enforcement of laws and regulations prohibiting such fraudulent de-

gree-granting institutions and practices and the use of fraudulent degrees; and

"(iv) the prosecution of such fraudulent degree-granting institutions and practices and the use of fraudulent degrees;

"(D) difficulties in identifying fraudulent degree-granting institutions located in foreign countries, or that claim recognition or degree-granting authority from foreign countries;

"(E) means to alert and educate the public about fraudulent degree-granting institutions and the use of fraudulent degrees;

"(F) laws, regulations, and other means used by States to address fraudulent degree-granting institutions and the use of fraudulent degrees;

"(G) the potential need for coordination and cooperation among various Federal agencies to investigate and prosecute suspected fraudulent degree-granting institutions, and the detailed recommendations of the Task Force regarding such coordination and cooperation;

"(H) the study and the report to the Task Force required under this section; and

"(I) the purposes for which various agencies of the United States need to identify fraudulent degree-granting institutions, and identify, prohibit, and prevent the use of degrees issued by such fraudulent institutions, and the ability of such agencies to implement any guidelines considered by the Task Force.

"(2) DEVELOPMENT OF FEDERAL PLAN.—The Task Force shall develop a strategic diploma integrity protection plan (referred to in this section as the 'Plan') to address the sale and use of fraudulent degrees for Federal purposes. The Plan shall include the following:

"(A) Recommendations to Congress regarding the implementation by Federal agencies of the guidelines developed under paragraph (1).

"(B) Recommendations to the Federal Trade Commission regarding the application of the guidelines developed under paragraph (1) to any rulemaking under section 856 and to the enforcement of the rules promulgated under such section.

"(3) SUBMISSION OF REPORT TO CONGRESS.—Not later than one year after the date of the enact-

ment of this part, the Task Force shall submit to the appropriate congressional committees a report, including—

"(A) the guidelines developed under paragraph (1);

"(B) the Plan developed under paragraph (2); and

"(C) a legislative proposal for consideration by Congress.

"SEC. 855. SENSE OF THE CONGRESS REGARDING USE BY STATES OF THE FEDERAL PLAN AS GUIDELINES.

"It is the sense of the Congress that—

"(1) each State should implement a strategic diploma integrity plan similar to any strategic diploma integrity plan developed under section 854, to the extent practicable and as soon as practicable after the date of the adoption of such a plan under such section; and

"(2) States may adopt more stringent standards than those standards contained in the Federal strategic diploma integrity plan and used by agencies of the United States to identify fraudulent degree-granting institutions operating within such State, except that State law does not preempt Fed-

eral law as applied to the employment and hiring practices of Federal employees working in such State.

"SEC. 856. UNFAIR AND DECEPTIVE ACTS AND PRACTICES REGARDING DIPLOMAS AND PROFESSIONAL CERTIFICATIONS.

''Not later than 180 days after the date of enactment of this part, the Secretary shall request in writing that the Federal Trade Commission shall develop a plan to address diploma mills based on section 18 of Federal Trade Commission Act (15 U.S.C. 57a).

"PART I—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT

"SEC. 861. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

"(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General of the United States and the Secretary of Homeland Security.

"(3) DURATION.—The Secretary shall award each grant under this section for a period of 2 years.

"(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only 1 grant under this section.

"(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the activities described in subsection (c) shall be 50 percent.

"(2) NON-FEDERAL SHARE.—The institution of higher education or consortium shall provide the non-Federal share, which may be provided from other Federal, State, and local resources dedicated to emergency preparedness and response.

"(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out 1 or more of the following:

"(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

"(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

"(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

"(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

"(A) security assessments;

"(B) security training of personnel and students at the institution of higher education or consortium;

"(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities;

"(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others; and

"(E) acquisition and installation of access control, video surveillance, intrusion detection, and perimeter security technologies and systems.

"(3) Coordinating with appropriate local entities the provision of mental health services for students and staff of the institution of higher education or consortium, including mental health crisis response and intervention services for students and staff affected by a campus or community emergency.

"(d) APPLICATION.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(e) TECHNICAL ASSISTANCE.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to provide a private right of action to any person to enforce any provision of this section;

"(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

"(3) to affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

"SEC. 862. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.

"The Secretary of Education, in consultation with the Attorney General of the United States and the Secretary of Homeland Security, shall—

"(1) advise institutions of higher education on model emergency response policies, procedures, and practices; and

"(2) disseminate information concerning those policies, procedures, and practices.

"SEC. 863. PREPARATION FOR FUTURE DISASTERS PLAN BY THE SECRETARY.

"(a) PLANNING.—The Secretary shall develop and maintain a disaster relief plan, in consultation with the appropriate agencies, to ensure a procedure is in place to address the needs of institutions of higher education in the event of a natural or man-made disaster with respect to which the President has declared a major disaster or emergency. The plan shall take into consideration the immediate safety and well-being of students, faculty, and

staff. Additionally, such plan shall outline steps that can be taken to ensure institutions of higher education have a timely recovery.

"(b) SUBMISSION TO CONGRESS.—The Secretary shall submit to the authorizing committees the plan required by subsection (a) and any revisions of such plan.

"SEC. 864. EDUCATION DISASTER AND EMERGENCY RELIEF LOAN PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to establish an Education Disaster and Emergency Relief Loan Program for institutions of higher education for direct or indirect losses incurred as a result of a federally declared major disaster or emergency.

"(b) USE OF ASSISTANCE.—The Secretary may, subject to the availability of appropriations, provide any assistance under the Education Disaster and Emergency Relief Loan program to institutions of higher education pursuant to this section only after the declaration of a major disaster or emergency by the President. Loan funds provided under this section may be used for—

"(1) direct and indirect construction, replacement, and renovation costs associated with or resulting from or preparing for a major disaster or emergency;

1 "(2) faculty salaries and incentives for retaining
2 faculty; or
3 "(3) reimbursement for lost tuition and other
4 revenues.
5 "(c) APPLICATION REQUIREMENTS.—To be consid-
6 ered for a loan under this section, an institution of higher
7 education shall—
8 "(1) submit a financial statement and other ap-
9 propriate data, documentation, or evidence requested
10 by the Secretary that indicates that the institution
11 incurred losses resulting from the impact of a major
12 disaster or emergency and the monetary amount of
13 such losses; and
14 "(2) demonstrate that the institution attempted
15 to minimize the cost of any losses by pursuing collat-
16 eral source compensation from the Federal Emer-
17 gency Management Agency and insurance coverage
18 prior to seeking a loan under this section, except
19 that an institution of higher education shall not be
20 required to receive collateral source compensation
21 from the Federal Emergency Management Agency
22 and insurance prior to being eligible for a loan under
23 this section.
24 "(d) AUDIT.—The Secretary may audit a financial
25 statement submitted under subsection (c) and an institu-

1 tion of higher education shall provide any information that
2 the Secretary determines necessary to conduct such an
3 audit.

4 "(e) REDUCTION IN LOAN AMOUNTS.—To determine
5 the amount of a loan to make available to an institution
6 of higher education under this section, the Secretary shall
7 calculate the monetary amount of losses incurred by such
8 institution as a result of a federally declared major dis-
9 aster or emergency, and shall reduce such amount by the
10 amount of collateral source compensation the institution
11 has already received from insurance, the Federal Emer-
12 gency Management Agency, and the Small Business Ad-
13 ministration.

14 "(f) ESTABLISHMENT OF LOAN PROGRAM.—In order
15 to disburse loans under this section, the Secretary shall
16 prescribe regulations that—

17 "(1) establish the loan program, taking into
18 consideration the structure of existing capital financ-
19 ing loan programs under this Act; and

20 "(2) that set forth—

21 "(A) terms for the loan program under
22 this section;

23 "(B) procedures for an application for a
24 loan under this section; and

"(C) minimum requirements for the loan program and for receiving a loan under this section, including the following:

"(i) Online forms to be used in submitting request for a loan under this section.

"(ii) Information to be included in such forms.

"(iii) Procedures to assist in filing and pursing a loan under this section.

"(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;

"(ii) was not able to fully reopen in existing facilities or to fully reopen to the

pre-hurricane levels for 30 days or more on or after August 29, 2005.

"(2) AREA AFFECTED BY A GULF HURRICANE DISASTER; GULF HURRICANE DISASTER.—The terms 'area affected by a Gulf hurricane disaster' and 'Gulf hurricane disaster' have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).

"(3) EMERGENCY.—The term 'emergency' has the meaning given such term in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(4) INSTITUTIONS OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101.

"(5) MAJOR DISASTER.—The term 'major disaster' has the meaning given the term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(h) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of the College Opportunity and Affordability Act of 2008, and assistance provided to institutions of higher education pursuant to this section shall be available only with respect to federally de-

clared major disasters or emergencies that occur after the date of the enactment of the College Opportunity and Affordability Act of 2008, except in the case of an institution affected by a Gulf hurricane disaster.

"SEC. 865. GUIDANCE ON MENTAL HEALTH DISCLOSURES FOR STUDENT SAFETY.

''Not later than 90 days after the date of enactment of the College Opportunity and Affordability Act of 2008, the Secretary shall provide guidance that clarifies the role of institutions of higher education with respect to the disclosure of education records, including to a parent or legal guardian of a dependent student, in the event that such student demonstrates that the student poses a significant risk of harm to himself or herself or to others, including a significant risk of suicide, homicide, or assault. Such guidance shall further clarify that an institution of higher education that, in good faith, discloses education records or other information in accordance with the requirements of this Act and the Family Educational Rights and Privacy Act of 1974 shall not be liable to any person for that disclosure.

"PART J—RURAL DEVELOPMENT GRANTS FOR RURAL COLLEGES AND UNIVERSITIES

"SEC. 871. PURPOSE.

''The purposes of this part are—

"(1) to increase—

"(A) enrollment and graduation rates from 2-year and 4-year colleges, and articulation from 2-year degree programs into 4-year degree programs, of graduates of rural high schools; and

"(B) degree completion for nontraditional students from rural areas; and

"(2) to promote economic growth and development in rural America through partnership grants to consortia of rural colleges and universities and other entities, such as local education agencies, employers, education service agencies, and nonprofit organizations.

"SEC. 872. DEFINITIONS.

"For the purposes of this part:

"(1) RURAL INSTITUTION OF HIGHER EDUCATION.—The term 'rural institution of higher education' means an institution of higher education that primarily serves rural areas.

"(2) RURAL AREA.—The term 'rural area' means an area in which there is located a rural local educational agency.

"(3) RURAL LOCAL EDUCATIONAL AGENCY.—The term 'rural local educational agency' means a

local educational agency (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965) that is designated with a metrocentric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics (NCES), in conjunction with the Bureau of the Census, using the NCES system for classifying local educational agencies.

"(4) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means an individual who—

"(A) delays enrollment in an institution of higher education by 3 or more years after completing high school;

"(B) attends an institution of higher education part-time; or

"(C) attends an institution of higher education and—

"(i) works full-time;

"(ii) is an independent student;

"(iii) has one or more dependents other than a spouse;

"(iv) is a single parent; or

"(v) does not have a high school diploma or the recognized equivalent of such a diploma.

"(5) REGIONAL EMPLOYER.—The term 'regional employer' means employers qualifying as businesses or other entities employing individuals within a rural area.

"SEC. 873. ENSURING COLLEGE ACCESS FOR RURAL HIGH SCHOOL GRADUATES.

"(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to partnerships formed between one or more rural institution of higher education and any of the following entities:

"(1) One or more rural local educational agencies.

"(2) One or more rural education service agencies.

"(3) One or more regional employers.

"(4) One or more nonprofit organizations with expertise in rural education.

"(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To be eligible for a grant under this section, a partnership that meets the requirements of subsection (a) shall submit to the Secretary an application in such form and containing such information as the Secretary shall prescribe.

In determining which applications to approve for a grant under this section, the Secretary shall consider—

"(1) the percentage of graduates, attendees, or former attendees of high schools from rural local educational agencies enrolled or otherwise affiliated with the entity; and

"(2) in the case of employers, the percentage of employees that are graduates of high schools in rural local educational agencies.

"(c) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (b) shall be used—

"(1) to improve enrollment rates for graduates and former attendees of rural high schools at rural institutions of higher education, including—

"(A) programs to provide information about college costs and financial aid options, assistance with college enrollment applications, and assistance with financial aid applications;

"(B) programs or initiatives that provide such graduates or former attendees of rural high schools access and exposure to campuses, classes, programs, and facilities of rural institutions of higher education, including covering the

cost of transportation to and from institutions of higher education;

"(C) the formation of groups or other initiatives that create support groups of such students expressing interest in attending rural institutions of higher education;

"(D) extracurricular activities, such as internships, community service, and other activities for such individuals in advance of attending institutions of higher education; and

"(E) other initiatives that assist such individuals in applying and developing interest in attending rural institutions of higher education; and

"(2) to encourage participation of nontraditional students in degree programs at rural institutions of higher education, including—

"(A) programs to provide information about college costs and financial aid options, assistance with college enrollment applications, and assistance with financial aid applications for institutions of higher education;

"(B) outreach to nontraditional students through community initiatives; and

"(C) formation of support groups for non-traditional students enrolling in 2-year degree programs and articulating from 2-year degree programs to 4-year degree programs.

"SEC. 874. ECONOMIC DEVELOPMENT PARTNERSHIPS.

"(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to partnerships formed between one or more rural institutions of higher education and one or more regional employers.

"(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To be eligible for a grant under this section, a partnership that meets the requirements of subsection (a) shall submit to the Secretary an application in such form and containing such information as the Secretary shall prescribe. In determining which applications to approve for a grant under this section, the Secretary shall consider—

"(1) the potential of the employer to employ graduates of rural institutions of higher education after graduation;

"(2) the potential of the employer engaged in the partnership to spur economic development in the region; and

"(3) the relevance of the employer to the regional economy.

"(c) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (a) shall be used—

"(1) to provide additional career training to attendees of rural institutions of higher education in fields relevant to the regional economy; and

"(2) to encourage regional businesses to employ graduates of rural institutions of higher education.

"(d) PREFERENCE IN SELECTION.—In determining which applications to approve for a grant under this section, the Secretary shall give priority to applications from partnerships that include one or more regional employers that are located in a rural area.

"SEC. 875. QUALITY OF LIFE IN RURAL AREAS.

"(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to rural institutions of higher education.

"(b) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (a) shall be used to create or strengthen academic programs to prepare grad-

uates to enter into high-need occupations in the regional and local economies.

"SEC. 876. ALLOCATION OF APPROPRIATIONS.

"(a) GRANT CONSIDERATIONS.—In making grant allocations under this part to qualifying institutions and partnerships, the Secretary shall consider—

"(1) the percentage of graduates of rural high schools attending rural institutions of higher education in proximity to the entity receiving the grant;

"(2) employment needs of regional employers in proximity to entities receiving the grant; and

"(3) the health of the regional economy of the region surrounding the entity receiving the grant.

"(b) MAXIMUM AND MINIMUM GRANTS.—No grant awarded by the Secretary under this part shall be less than $200,000 or more than $500,000.

"(c) GRANT DURATION.—A grant awarded under this part shall be awarded for one 3-year period.

"PART K—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS

"SEC. 880. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.

''(a) PURPOSE.—The purpose of this section is—

''(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

''(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

''(b) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Natives Claims Settlement Act (43 U.S.C. 1602(b)).

''(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

''(A) 1 or more colleges or schools of engineering;

''(B) 1 or more colleges of science or mathematics;

"(C) 1 or more institutions of higher education that offer 2-year degrees; and

"(D) 1 or more private entities that—

"(i) conduct career awareness activities showcasing local technology professionals;

"(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through college, and careers in those fields, with the assistance of local technology professionals;

"(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

"(iv) assist with placement of interns and apprentices.

"(3) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.

"(c) GRANT AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand

1 programs for the development of science, technology, engi-
2 neering, or mathematics professionals, from elementary
3 school through college, including existing programs for
4 Alaska Native and Native Hawaiian students.

5 "(d) USES OF FUNDS.—Grant funds under this sec-
6 tion shall be used for 1 or more of the following:

7 "(1) Development or implementation of cul-
8 tural, social, or educational transition programs to
9 assist students to transition into college life and aca-
10 demics in order to increase such students' retention
11 rates in the fields of science, technology, engineer-
12 ing, or mathematics, with a focus on Alaska Native
13 or Native Hawaiian students.

14 "(2) Development or implementation of aca-
15 demic support or supplemental educational programs
16 to increase the graduation rates of students in the
17 fields of science, technology, engineering, or mathe-
18 matics, with a focus on Alaska Native and Native
19 Hawaiian students.

20 "(3) Development or implementation of intern-
21 ship programs, carried out in coordination with edu-
22 cational institutions and private entities, to prepare
23 students for careers in the fields of science, tech-
24 nology, engineering, or mathematics, with a focus on

1 programs that serve Alaska Native or Native Hawai-
2 ian students.
3 ''(4) Such other activities as are consistent with
4 the purposes of this section.
5 ''(e) APPLICATION.—Each eligible partnership that
6 desires a grant under this section shall submit an applica-
7 tion to the Secretary at such time, in such manner, and
8 containing such information as the Secretary may require.
9 ''(f) PRIORITY.—In awarding grants under this sec-
10 tion, the Secretary shall give priority to an eligible part-
11 nership that provides 1 or more programs in which 30 per-
12 cent or more of the program participants are Alaska Na-
13 tive or Native Hawaiian.
14 ''(g) PERIOD OF GRANT.—A grant under this section
15 shall be awarded for a period of 5 years.
16 ''(h) EVALUATION AND REPORT.—Each eligible part-
17 nership that receives a grant under this section shall con-
18 duct an evaluation to determine the effectiveness of the
19 programs funded under the grant and shall provide a re-
20 port regarding the evaluation to the Secretary not later
21 than 6 months after the end of the grant period.

"PART L—NATIONAL DATABASE ON FINANCIAL ASSISTANCE FOR STUDY OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

"SEC. 881. NATIONAL DATABASE ON FINANCIAL ASSISTANCE FOR STUDY OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

''(a) ESTABLISHMENT AND MAINTENANCE OF DATABASE.—

''(1) DATABASE.—The Secretary of Education shall establish and maintain, on the public website of the Department of Education, a database consisting of information on scholarships, fellowships, and other programs of financial assistance available from public and private sources for the study of science, technology, engineering, or mathematics at the postsecondary and post baccalaureate levels.

''(2) PRESENTATION OF INFORMATION.—The information maintained on the database established under this section shall be displayed on the website in the following manner:

''(A) Separate information shall be provided for each of the fields of study referred to in paragraph (1) and for postsecondary and post baccalaureate programs of financial assistance.

"(B) The database shall provide specific information on any programs of financial assistance which are targeted to individuals of a particular gender, ethnicity, or other demographic group.

"(C) If the sponsor of any program of financial assistance included on the database maintains a public website, the database shall provide hyperlinks to the website.

"(D) In addition to providing the hyperlink to the website of a sponsor of a program of financial assistance as required under subparagraph (C), the database shall provide general information that an interested person may use to contact the sponsor, including the sponsor's electronic mail address.

"(E) The database shall have a search capability which permits an individual to search for information on the basis of each category of the information provided and on the basis of combinations of categories of the information provided, including whether the scholarship is need- or merit-based and by relevant academic majors.

"(F) The database shall include a recommendation that students and families should carefully review all of the application requirements prior to applying for aid, and a disclaimer that the scholarships presented in the database are not provided or endorsed by the Department of Education or the Federal Government.

"(b) DISSEMINATION OF INFORMATION ON DATABASE.—The Secretary shall take such actions as may be necessary on an ongoing basis, including sending notices to secondary schools and institutions of higher education, to disseminate information on the database established and maintained under this part and to encourage its use by interested parties.

"(c) USE OF VENDOR TO OBTAIN INFORMATION.—In carrying out this part, the Secretary of Education shall enter into a contract with a private entity under which the entity shall furnish and regularly update all of the information required to be maintained on the database established under this section.

"(d) ENCOURAGING THE PROVISION OF INFORMATION.—In carrying out this part, the Secretary of Education and the contracted entity shall consult with public and private sources of scholarships and make easily avail-

able a process for such entities to provide regular and updated information.

"PART M—TRAINING FOR REALTIME WRITERS

"SEC. 882. PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

"(a) AUTHORIZATION OF GRANT PROGRAM.—

"(1) IN GENERAL.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 713 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

"(2) ELIGIBLE ENTITIES.—For purposes of this part, an eligible entity is a court reporting program that—

"(A) can document and demonstrate to the Secretary of Education that it meets minimum standards of educational and financial accountability, with a curriculum capable of training

1 realtime writers qualified to provide captioning
2 services;
3 "(B) is accredited by an accrediting agency
4 recognized by the Department of Education;
5 and
6 "(C) is participating in student aid pro-
7 grams under title IV.
8 "(3) PRIORITY IN GRANTS.—In determining
9 whether to make grants under this section, the Sec-
10 retary of Education shall give a priority to eligible
11 entities that, as determined by the Secretary—
12 "(A) possess the most substantial capa-
13 bility to increase their capacity to train realtime
14 writers;
15 "(B) demonstrate the most promising col-
16 laboration with local educational institutions,
17 businesses, labor organizations, or other com-
18 munity groups having the potential to train or
19 provide job placement assistance to realtime
20 writers; or
21 "(C) propose the most promising and inno-
22 vative approaches for initiating or expanding
23 training or job placement assistance efforts
24 with respect to realtime writers.

"(4) DURATION OF GRANT.—A grant under this section shall be for a period of 2 years.

"(5) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the 2-year period of the grant under paragraph (4).

"(b) APPLICATION.—

"(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit an application to the Secretary of Education at such time and in such manner as the secretary may require. The application shall contain the information set forth under paragraph (2).

"(2) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under subsection (a) shall include the following:

"(A) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

"(B) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, comple-

tion of training, and job placement and retention.

"(C) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

"(D) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

"(E) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

"(F) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under subsection (a)(3).

"(G) Such other information as the Secretary may require.

1 "(c) USE OF FUNDS.—

2 "(1) IN GENERAL.—An eligible entity receiving
3 a grant under subsection (a) shall use the grant
4 amount for purposes relating to the recruitment,
5 training and assistance, and job placement of indi-
6 viduals, including individuals who have completed a
7 court reporting training program, as realtime writ-
8 ers, including—

9 "(A) recruitment;

10 "(B) subject to paragraph (2), the provi-
11 sion of scholarships;

12 "(C) distance learning;

13 "(D) further developing and implementing
14 both English and Spanish curriculum to more
15 effectively train realtime writing skills, and edu-
16 cation in the knowledge necessary for the deliv-
17 ery of high-quality closed captioning services;

18 "(E) mentoring students to ensure success-
19 ful completion of the realtime training and pro-
20 vide assistance in job placement;

21 "(F) encouraging individuals with disabil-
22 ities to pursue a career in realtime writing; and

23 "(G) the employment and payment of per-
24 sonnel for all such purposes.

25 "(2) SCHOLARSHIPS.—

"(A) AMOUNT.—The amount of a scholarship under paragraph (1)(B) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV.

"(B) AGREEMENT.—Each recipient of a scholarship under paragraph (1)(B) shall enter into an agreement with the school in which the recipient is enrolled to provide realtime writing services for the purposes described in subsection (a)(1) for a period of time appropriate (as determined by the Secretary of Education or the Secretary's designee) for the amount of the scholarship received.

"(C) COURSEWORK AND EMPLOYMENT.—The Secretary of Education or the Secretary's designee shall establish requirements for coursework and employment for recipients of scholarships under paragraph (1)(B), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of

1 economic conditions on the capacity of scholar-
2 ship recipients to find work as realtime writers.
3 "(3) ADMINISTRATIVE COSTS.—The recipient of
4 a grant under this section may not use more than
5 5 percent of the grant amount to pay administrative
6 costs associated with activities funded by the grant.
7 The Secretary of Education shall use not more than
8 5 percent of the amount available for grants under
9 this part in any fiscal year for administrative costs
10 of the program.
11 "(4) SUPPLEMENT NOT SUPPLANT.—Grants
12 amounts under this part shall supplement and not
13 supplant other Federal or non-Federal funds of the
14 grant recipient for purposes of promoting the train-
15 ing and placement of individuals as realtime writers.
16 "(d) REPORTS.—
17 "(1) ANNUAL REPORTS.—Each eligible entity
18 receiving a grant under subsection (a) shall submit
19 to the Secretary of Education, at the end of each
20 year of the grant period, a report on the activities
21 of such entity with respect to the use of grant
22 amounts during such year.
23 "(2) REPORT INFORMATION.—
24 "(A) IN GENERAL.—Each report of an en-
25 tity for a year under paragraph (1) shall in-

clude a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under subsection (b)(2).

"(B) FINAL REPORT.—The final report of an entity on a grant under paragraph (1) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

"(3) ANNUAL REVIEW.—The Inspector General of the Department of Education shall conduct an annual review of the management, efficiency, and effectiveness of the grants made under this part.

"PART N—CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS

"SEC. 883. MODEL PROGRAMS FOR CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS.

"(a) PURPOSE.—It is the purpose of this section to encourage model programs to support veteran student suc-

1 cess in postsecondary education by coordinating services
2 to address the academic, financial, physical, and social
3 needs of veteran students.

4 "(b) GRANTS AUTHORIZED.—

5 "(1) IN GENERAL.—Subject to the availability
6 of appropriations under section 800, the Secretary
7 shall award grants to institutions of higher edu-
8 cation to develop model programs to support veteran
9 student success in postsecondary education.

10 "(2) GRANT PERIOD.—A grant awarded under
11 this section shall be awarded for a period of 3 years.

12 "(c) USE OF GRANTS.—

13 "(1) REQUIRED ACTIVITIES.—An institution of
14 higher education receiving a grant under this section
15 shall use such grant to carry out a model program
16 that includes—

17 "(A) establishing of a Center of Excellence
18 for Veteran Student Success on the campus of
19 the institution to provide a single point of con-
20 tact to coordinate comprehensive support serv-
21 ices for veteran students;

22 "(B) establishing a veteran students sup-
23 port team, including representatives from the
24 offices of the institution responsible for admis-
25 sions, registration, financial aid, veterans bene-

fits, academic advising, student health, personal or mental health counseling, career advising, disabilities services, and any other office of the institution that provides support to veteran students on campus;

"(C) providing a full-time or part-time coordinator whose primary responsibility is to coordinate the model program carried out under this section;

"(D) monitoring the rates of veteran student enrollment, persistence, and completion; and

"(E) developing a plan to sustain the Center of Excellence for Veteran Student Success after the grant period.

"(2) OTHER AUTHORIZED ACTIVITIES.—An institution of higher education receiving a grant under this section may use such grant to carry out any of the following activities with respect to veteran students:

"(A) Outreach and recruitment of such students.

"(B) Supportive instructional services for such students, which may include—

"(i) personal, academic, and career counseling, as an on-going part of the program;

"(ii) tutoring and academic skill-building instruction assistance, as needed; and

"(iii) assistance with special admissions and transfer of credit from previous postsecondary education or experience.

"(C) Assistance in obtaining student financial aid.

"(D) Housing support for students living in institutional facilities and commuting students.

"(E) Cultural events, academic programs, orientation programs, and other activities designed to ease the transition to campus life for such students.

"(F) Support for veteran student organizations and veteran student support groups on campus.

"(G) Coordination of academic advising and admissions counseling with military bases and national guard units in the area.

"(H) Other support services the institution determines to be necessary to ensure the suc-

cess of such students in achieving their educational and career goals.

"(d) APPLICATION; SELECTION.—

"(1) APPLICATION.—To be considered for a grant under this section, an institution of higher education shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) SELECTION CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider—

"(A) the number of veteran students enrolled at an institution of higher education; and

"(B) the need for model programs to address the needs of veteran students at a wide range of institutions of higher education, including the need to provide—

"(i) an equitable distribution of such grants to institutions of higher education of various types and sizes;

"(ii) an equitable geographic distribution of such grants; and

"(iii) an equitable distribution of such grants among rural and urban areas.

"(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Secretary shall develop an evaluation and accountability plan for model programs funded under this section to objectively measure the impact of such programs, including a measure of whether postsecondary education enrollment, persistence, and completion for veterans increases as a result of such programs.

"PART O—UNIVERSITY SUSTAINABILITY PROGRAMS

"Subpart 1—Sustainability Planning Grants

"SEC. 884. GRANTS AUTHORIZED.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—From the amounts appropriated to carry out this part under section 800, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall make grants to eligible entities to establish sustainability programs to design and implement sustainability practices, including in the areas of energy management, greenhouse gas emissions reductions, green building, waste management, purchasing, transportation, and toxics management, and other aspects of sustainability that integrate campus operations with multidisciplinary academic programs and are applicable to the private and government sectors.

"(2) PERIOD OF GRANT.—The provision of payments under a grant under paragraph (1) may extend over a period of not more than 4 fiscal years.

"(3) DEFINITION OF ELIGIBLE ENTITIES.—For purposes of this part, the term 'eligible entity' means—

"(A) an institution of higher education that grants 2 or 4-year undergraduate degrees, or masters and doctoral degrees, or both; or

"(B) a non-profit consortia, association, alliance, or collaboration operating in partnership with one or more institutions of higher education that received funds for the implementation of work associated with sustainability programs under this part.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—To receive a grant under subsection (a)(1), an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may reasonably require.

"(2) ASSURANCES.—Such application shall include assurances that the eligible entity—

"(A) has developed or shall develop a plan, including an evaluation component, for the pro-

gram component established pursuant to subsection (c);

"(B) shall use Federal funds received from a grant under subsection (a) to supplement, not supplant, non-Federal funds that would otherwise be available for projects funded under such section;

"(C) shall provide, with respect to any fiscal year in which such entity receives funds from a grant under subsection (a)(1), non-Federal funds or an in-kind contribution in an amount equal to 20 percent of funds from such grant, for the purpose of carrying out the program component established in subsection (c); and

"(D) shall collaborate with business, government, and the nonprofit sectors in the development and implementation of its sustainability plan.

"(c) USE OF FUNDS.—

"(1) INDIVIDUAL INSTITUTIONS.—Grants made under subsection (a) may be used by an eligible entity that is an individual institution of higher education for the following purposes:

"(A) To develop and implement administrative and operations practices at institutions of higher education that test, model, and analyze principles of sustainability.

"(B) To establish multidisciplinary education, research, and outreach programs at institutions of higher education that address the environmental, social, and economic dimensions of sustainability.

"(C) To support research and teaching initiatives that focus on multidisciplinary and integrated environmental, economic, and social elements.

"(D) To establish initiatives in the areas of energy management, greenhouse gas emissions reductions, green building, waste management, purchasing, toxics management, transportation, and other aspects of sustainability.

"(E) To support student, faculty, and staff work at institutions of higher education to implement, research, and evaluate sustainable practices.

"(F) To establish sustainability literacy as a requirement for undergraduate and graduate degree programs.

"(G) To integrate sustainability curriculum in all programs of instruction, particularly in business, architecture, technology, manufacturing, engineering, and science programs.

"(2) PARTNERSHIPS.—Grants made under subsection (a) may be used by an eligible entity that is a non-profit consortia, association, alliance, or collaboration operating as a partnership with one or more institutions of higher education for the following purposes:

"(A) To conduct faculty, staff and administrator training on the subjects of sustainability and institutional change.

"(B) To compile, evaluate, and disseminate best practices, case studies, guidelines and standards.

"(C) To conduct efforts to engage external stakeholders such as business, alumni, and accrediting agencies in the process of building support for research, education, and technology development for sustainability.

"(D) To conduct professional development programs for faculty in all disciplines to enable faculty to incorporate sustainability content in their courses.

"(E) To enable an appropriate non-profit consortia, association, alliance, or collaboration operating in partnership with an institution of higher education to create the analytical tools necessary for institutions of higher education to assess and measure their individual progress toward fully sustainable campus operations and fully integrating sustainability into the curriculum.

"(F) To develop educational benchmarks for institutions of higher education to determine the necessary rigor and effectiveness of academic sustainability programs.

"(d) REPORTS.—An eligible entity that receives a grant under subsection (a) shall submit to the Secretary, for each fiscal year in which the entity receives amounts from such grant, a report that describes the work conducted pursuant to subsection (c), research findings and publications, administrative savings experienced, and an evaluation of the program.

"(e) ALLOCATION REQUIREMENT.—The Secretary may not make grants under subsection (a) to any eligible entity in a total amount that is less than $250,000 or more than $2,000,000.

1 **"Subpart 2—Summit on Sustainability**

2 **"SEC. 885. SUMMIT ON SUSTAINABILITY.**

3 ''Not later than September 30, 2008, the Secretary
4 of Education, in consultation with the Administrator of
5 the Environmental Protection Agency, shall convene a
6 summit of higher education experts working in the area
7 of sustainable operations and programs, representatives
8 from agencies of the Federal Government, and business
9 and industry leaders to focus on efforts of national distinc-
10 tion that—

11 ''(1) encourage faculty, staff, and students at
12 institutions of higher education to establish adminis-
13 trative and academic sustainability programs on
14 campus;

15 ''(2) enhance research by faculty and students
16 at institutions of higher education in sustainability
17 practices and innovations that assist and improve
18 sustainability;

19 ''(3) encourage institutions of higher education
20 to work with community partners from the business,
21 government, and nonprofit sectors to design and im-
22 plement sustainability programs for application in
23 the community and workplace;

24 ''(4) identify opportunities for partnerships in-
25 volving institutions of higher education and the Fed-
26 eral Government to expand sustainable operations

and academic programs focused on environmental and economic sustainability; and

''(5) charge the summit participants or steering committee to submit a set of recommendations for addressing sustainability through institutions of higher education.

"PART P—MODELING AND SIMULATION PROGRAMS

"SEC. 886. MODELING AND SIMULATION.

''(a) PURPOSE; DEFINITION.—

''(1) PURPOSE.—The purpose of this section is to promote the study of modeling and simulation at institutions of higher education, through the collaboration with new and existing programs, and specifically to promote the use of technology in such study through the creation of accurate models that can simulate processes or recreate real life, by—

''(A) establishing a task force at the Department of Education to raise awareness of and define the study of modeling and simulation;

''(B) providing grants to institutions of higher education to develop new modeling and simulation degree programs; and

"(C) providing grants for institutions of higher education to enhance existing modeling and simulation degree programs.

"(2) DEFINITION.—In this section, the term 'modeling and simulation' means a field of study related to the application of computer science and mathematics to develop a level of understanding of the interaction of the parts of a system and of a system as a whole.

"(b) ESTABLISHMENT OF TASK FORCE.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a taskforce within the Department of Education to study modeling and simulation and to support the development of the modeling and simulation field. The activities of such taskforce shall include—

"(A) helping to define the study of modeling and simulation (including the content of modeling and simulation classes and programs);

"(B) identifying best practices for such study;

"(C) identifying core knowledge and skills that individuals who participate in modeling and simulation programs should acquire; and

"(D) providing recommendations to the Secretary with respect to—

"(i) the information described in subparagraphs (A) through (C); and

"(ii) a system by which grants under this section will be distributed.

"(2) TASKFORCE MEMBERSHIP.—The membership of the taskforce under this subsection shall be composed of representatives from—

"(A) institutions of higher education with established modeling and simulation degree programs;

"(B) the National Science Foundation;

"(C) Federal Government agencies that use modeling and simulation extensively, including the Department of Defense, the National Institute of Health, the Department of Homeland Security, the Department of Health and Human Services, the Department of Energy, and the Department of Transportation;

"(D) private industries with a primary focus on modeling and simulation;

"(E) national modeling and simulation organizations; and

"(F) the Office of Science and Technology Policy.

"(c) ENHANCING MODELING AND SIMULATION AT INSTITUTIONS OF HIGHER EDUCATION.—

"(1) ENHANCEMENT GRANTS AUTHORIZED.—

"(A) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enhance modeling and simulation degree programs at such eligible institutions.

"(B) DURATION OF GRANT.—A grant awarded under this subsection shall be awarded for a 3-year period, and such grant period may be extended for not more than 2 years if the Secretary determines that an eligible institution has demonstrated success in enhancing the modeling and simulation degree program at such eligible institution.

"(C) MINIMUM GRANT AMOUNT.—Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than $750,000.

"(D) NON-FEDERAL SHARE.—Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources,

in cash or in kind, an amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.

''(2) ELIGIBLE INSTITUTIONS.—For the purposes of this subsection, an eligible institution is an institution of higher education that—

''(A) has an established modeling and simulation degree program, including a major, minor, or career-track program; or

''(B) has an established modeling and simulation certificate or concentration program.

''(3) APPLICATION.—To be considered for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the enhancement of

the modeling and simulation program at the institution of higher education;

"(B) an identification of designated faculty responsible for the enhancement of the institution's modeling and simulation program; and

"(C) a detailed plan for how the grant funds will be used to enhance the modeling and simulation program of the institution.

"(4) USES OF FUNDS.—A grant awarded under this subsection shall be used by an eligible institution to carry out the plan developed in accordance with paragraph (3)(C) to enhance modeling and simulation programs at the institution, which may include—

"(A) in the case of an institution that is eligible under paragraph (2)(B), activities to assist in the establishment of a major, minor, or career-track modeling and simulation program at the eligible institution;

"(B) expanding the multi-disciplinary nature of the institution's modeling and simulation programs;

"(C) recruiting students into the field of modeling and simulation through the provision of fellowships or assistantships;

"(D) creating new courses to compliment existing courses and reflect emerging developments in the modeling and simulation field;

"(E) conducting research to support new methodologies and techniques in modeling and simulation; and

"(F) purchasing equipment necessary for modeling and simulation programs.

"(d) ESTABLISHING MODELING AND SIMULATION PROGRAMS.—

"(1) ESTABLISHMENT GRANTS AUTHORIZED.—

"(A) IN GENERAL.—The Secretary is authorized to award grants to institutions of higher education to establish a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program.

"(B) DURATION OF GRANT.—A grant awarded under this subsection shall be awarded for a 3-year period, and such grant period may be extended for not more than 2 years if the Secretary determines that an eligible institution has demonstrated success in establishing a modeling and simulation degree program at such eligible institution.

"(C) MINIMUM GRANT AMOUNT.—Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than $750,000.

"(D) NON-FEDERAL SHARE.—Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources, in cash or in kind, an amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.

"(2) APPLICATION.—To apply for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

"(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the establishment

of a modeling and simulation program at the institution of higher education;

"(B) a detailed plan for how the grant funds will be used to establish a modeling and simulation program at the institution; and

"(C) a description of how the modeling and simulation program established under this subsection will complement existing programs and fit in to the institution's current program and course offerings.

"(3) USES OF FUNDS.—A grant awarded under this subsection may be used by an eligible institution to—

"(A) establish, or work toward the establishment of, a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program at the eligible institution;

"(B) provide adequate staffing to ensure the successful establishment of the modeling and simulation program, which may include the assignment of full-time dedicated or supportive faculty; and

"(C) purchasing equipment necessary for a modeling and simulation program.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years. Of the amounts authorized to be appropriated for each fiscal year—

"(1) $1,000,000 is authorized to carry out the activities of the task force established pursuant to subsection (b); and

"(2) of the amount remaining after the allocation for paragraph (1)—

"(A) 50 percent is authorized to carry out the grant program under subsection (c); and

"(B) 50 percent is authorized to carry out the grant program under subsection (d).

"PART Q—BUSINESS WORKFORCE PARTNERSHIPS

"SEC. 887. GRANTS TO CREATE BUSINESS WORKFORCE PARTNERSHIPS.

"(a) PURPOSE AND AUTHORIZATION.—

"(1) PURPOSE.—The purpose of this section is to provide grants to institutions of higher education partnering with employers to strengthen ties between college degree credit offerings and business

and industry workforce needs, and expand opportunities for worksite learning.

"(2) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants, on a competitive basis, to eligible partnerships for the purposes of creating business and industry workforce partnerships.

"(b) DEFINITION OF BUSINESS AND INDUSTRY WORKFORCE PARTNERSHIP.—

"(1) IN GENERAL.—For purposes of this section, the term 'business and industry workforce partnership' means a partnership between one or more institutions of higher education and—

"(A) an employer or group of employers, or a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998), or both; and

"(B) labor organizations, where applicable, that represent workers locally in the businesses or industries that are the focus of the partnership, including as a result of such organization's representation of employees at a worksite at which the partnership proposes to conduct activities under this section.

"(2) EXCEPTION.—In the case of a State that does not operate local boards, paragraph (1)(A)

shall be applied by substituting 'State board' for 'local board'.

"(3) EXISTING PARTNERSHIPS.—Nothing in this subsection shall be construed to prohibit a partnership that is in existence on the date of enactment of this section from applying for a grant under this section.

"(c) APPLICATION.—A business and industry workforce partnership seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) PRIORITY FOR APPLICATIONS FOCUSED ON SERVING NONTRADITIONAL STUDENTS.—The Secretary shall give priority to applications focused on serving nontraditional students who are independent, as defined in section 480(d), do not already have a bachelor's degree, and who have one or more of the following characteristics:

"(1) Are the first generation in their family to attend college.

"(2) Have delayed enrollment in college.

"(3) Have dependents.

"(e) PEER REVIEW.—The Secretary shall convene a peer review process, which shall include individuals knowledgeable about workforce education for working adults, to

1 review applications for grants under this section, and
2 make recommendations to the Secretary on the selection
3 of grant recipients.

4 "(f) MANDATORY ACTIVITIES.—A partnership that
5 receives a grant under this section shall use the grant
6 funds to carry out all of the following activities:

7 "(1) Identify high demand occupations in the
8 regional labor market which offer or can lead to high
9 wages, in coordination with the State employment
10 security agency funded under the Wagner-Peyser
11 Act.

12 "(2) Develop linked career and educational
13 pathways for those occupations and related ones, in-
14 cluding, where appropriate, pathways involving reg-
15 istered apprenticeships.

16 "(3) Consult with employers offering jobs in oc-
17 cupations identified under paragraph (1) to deter-
18 mine workforce development needs.

19 "(4) Consult with labor organizations rep-
20 resenting workers locally in the occupations identi-
21 fied in paragraph (1), where applicable.

22 "(5) Identify existing college degree credit of-
23 ferings or create new degree credit offerings that
24 prepare students to meet business and industry

workforce needs, including offerings connected to registered apprenticeship programs.

"(g) PERMISSIBLE ACTIVITIES.—A partnership that receives a grant under this section may use the grant funds to carry out one or more of the following activities:

"(1) In consultation with faculty in the appropriate departments, adapt college offerings identified and created under subsection (f)(5) to the schedules and needs of working students, such as by creating evening, weekend, modular, compressed, or distance learning formats, enrolling students in learning communities, or other relevant innovations.

"(2) Create bridge programs that prepare students with lower skills or limited English proficiency to enter the college offerings identified or created under subsection (f)(5).

"(3) Expand worksite learning opportunities.

"(4) Other activities that the institution and the Secretary deem appropriate to carry out the purposes of this program.

"(h) GRANT PERIOD.—Grants made under this section shall be for a period of at least 36 months and not more than 60 months.

"(i) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to grantees under this section throughout the grant period.

"(j) EVALUATION.—The Secretary shall conduct an evaluation of the effectiveness of the program under this section and disseminate the findings of such evaluation, as well as information on promising practices developed under this section.

"(k) REPORT TO CONGRESS.—Not less than 36 months after the first grant is awarded under this section, the Secretary, jointly with the Secretary of Labor, shall report to Congress on:

"(1) Changes to the Higher Education Act and related Acts, such as the Perkins Vocational and Technical Education Act and the Workforce Investment Act (both Title I and Title II), that would help create and sustain business and industry workforce partnerships at colleges.

"(2) Other changes to the Higher Education Act and related Acts, such as the Perkins Vocational and Technical Education Act and the Workforce Investment Act, that would more generally strengthen the links between business and industry workforce needs, workforce development programs, and other college degree credit offerings.

"PART R—PATH TO SUCCESS PROGRAM

"SEC. 887. PATH TO SUCCESS.

''(a) PURPOSE.—The purpose of this part is to encourage community supported programs that—

''(1) leverage and enhance community support for at-risk young adults by facilitating the transition of such young adults who are eligible individuals into productive learning environments where such young adults can obtain the life, social, academic, and vocational skills and credentials necessary to strengthen the Nation's workforce;

''(2) provide counseling, as appropriate, for eligible individuals participating in the programs to allow such individuals to build a relationship with one or more guidance counselors during the period that the individuals are enrolled in the programs, including providing referrals and connections to community resources that help eligible individuals transition back into the community with the necessary life, social, academic, and vocational skills after being in detention, or incarcerated, particularly resources related to health, housing, job training, and work-place readiness;

''(3) provide training and education for eligible individuals participating in the programs, to allow such individuals to assist community officials and

law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars, training, and workshops throughout the community; and

"(4) provide each eligible youth participating in the programs with individual attention based on a curriculum that matches the interests and abilities of the individual to the resources of the program.

"(b) REENTRY EDUCATION PROGRAM.—

"(1) GRANT PROGRAM ESTABLISHED.—The Secretary is authorized to award grants to community colleges to enter into and maintain partnerships with juvenile detention centers and secure juvenile justice residential facilities to provide assistance, services, and education to eligible individuals who reenter the community and pursue, in accordance with the requirements of this part, at least one of the following:

"(A) A certificate of graduation from a school providing secondary education, a general equivalency diploma (GED), or another recognized equivalent of such a certificate or diploma.

"(B) A certificate of completion for a specialized area of study, such as vocational train-

ing and other alternative post-secondary educational programs.

"(C) An associate's degree.

"(2) GRANT PERIOD.—A grant awarded under this part shall be for one 2-year period, and may be renewed for an additional period as the Secretary determines to be appropriate.

"(3) APPLICATION.—A community college desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require, which shall include—

"(A) an assessment of the existing community resources available to serve at-risk youth;

"(B) a detailed description of the program and activities the community college will carry out with such grant; and

"(C) a proposed budget describing how the community college will use the funds made available by such grant.

"(4) PRIORITY.—In awarding grants under this part, the Secretary of Education shall give priority to community colleges that accept the highest number of eligible individuals from high-risk areas, and among such community colleges, shall give priority

to community colleges that the Secretary determines will best carry out the purposes of this part, based on the applications submitted in accordance with paragraph (3).

"(c) ALLOWABLE USES OF FUNDS.—A community college awarded a grant under this part may use such grant to—

"(1) pay for tuition and transportation costs of eligible individuals;

"(2) establish and carry out an education program that includes classes for eligible individuals that—

"(A) provide marketable life and social skills to such individuals;

"(B) meet the education program requirements under subsection (d);

"(C) promote the civic engagement of such individuals; and

"(D) facilitate a smooth reentry of such individuals into the community;

"(3) create and carry out a mentoring program—

"(A) that is specifically designed to help eligible individuals with the potential challenges

of the transitional period from detention to release;

"(B) is created in consultation with guidance counselors, academic advisors, law enforcement officials, and other community resources; and

"(C) that is administered by a program coordinator, selected and employed by the community college, who shall oversee each individual's development and shall serve as the immediate supervisor and reporting officer to whom the academic advisors, guidance counselors, and volunteers shall report regarding the progress of each such individual;

"(4) facilitate employment opportunities for eligible individuals by entering into partnerships with public and private entities to provide opportunities for internships, apprenticeships, and permanent employment, as possible, for such individuals; and

"(5) provide training for eligible individuals participating in the programs, to allow such individuals to assist community officials and law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars and workshop series throughout the community.

"(d) EDUCATION PROGRAM REQUIREMENTS.—An education program established and carried out under subsection (c) shall—

"(1) include classes that are required for completion of a certificate, diploma, or degree described in subparagraphs (A) through (C) of subsection (b)(1);

"(2) provide a variety of academic programs, with various completion requirements, to accommodate the distinctive academic backgrounds, learning curves, and concentration interests of the eligible individuals who participate in the program;

"(3) offer flexible academic programs that are designed to improve the academic development and achievement of eligible individuals, and to avoid high attrition rates for such individuals; and

"(4) provide for a uniquely designed education plan for each eligible individual participating in the program, which shall require such individual to receive, at a minimum, a certificate or diploma described in subparagraph (A) of subsection (b)(1) to successfully complete such program.

"(e) REPORTS.—Each community college awarded a grant under this part shall submit to the Secretary of Education a report—

"(1) documenting the results of the program carried out with such grant; and

"(2) evaluating the effectiveness of activities carried out through such program.

"(f) DEFINITIONS.—In this part:

"(1) COMMUNITY COLLEGE.—The term 'community college' means a public or nonprofit institution of higher education (as such term is defined in section 101 or 102(a)(2)(B)), that—

"(A) provides an educational program of not less than two years; and

"(B) that is accredited by a regional accrediting agency or association.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

"(A) is 16 to 25 years of age;

"(B) has been convicted of a gang-related offense, and has served a period of detention in a juvenile detention center for such offense; and

"(C) is detained in, or has been released from, such center.

"(3) GANG-RELATED OFFENSE.—The term 'gang-related offense' means conduct constituting any Federal or State crime, punishable by imprisonment in any of the following categories:

"(A) A crime of violence.

"(B) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

"(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(4) GUIDANCE COUNSELOR.—The term 'guidance counselor' means an individual who works with at-risk youth on a one-on-one basis, to establishing a supportive relationship with such at-risk youth and to provide such at-risk youth with academic assistance and exposure to new experiences that enhance their ability to become responsible citizens.

"(5) HIGH-RISK AREA.—The term 'high-risk area' means a specified area within a State where there is a disproportionately high number of gang-related activities reported to State and local law enforcement authorities.".

SEC. 802. SENSE OF THE CONGRESS; REPORT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in order to provide the borrowers of Federal student loans with the option of converting their loans to income contingent repayment by providing direct loans for the discharge of such loans (in this section referred to as ''direct IDEA loans''), the Secretary of Education and the Secretary of the Treasury will work together to develop a process by which the borrower will make payments on such loan using the income tax withholding system and will make appropriate adjustments to his or her withholding or estimated tax payments for such purposes;

(2) the Secretaries should determine—

(A) whether such a repayment option would be beneficial to borrowers and taxpayers; and

(B) how such program would be implemented by the Departments of Education and Treasury; and

(3) this process would—

(A) streamline the repayment process and provide greater flexibility for borrowers electing to use the direct IDEA loan;

(B) significantly reduce the number of loan defaults by borrowers; and

(C) significantly reduce the redundancy in reporting information pertaining to income contingent repayment to the Department of Education, institutions, and applicants.

(b) REPORT.—The Secretaries of Education and the Treasury shall, within one year after the date of enactment of this Act—

(1) provide the Congress with information on the progress in devising the direct IDEA loan with income contingent repayment using the income tax withholding system;

(2) inform the Congress of any necessary statutory changes for the purpose of establishing a direct IDEA loan with income contingent repayment using the income tax withholding system; and

(3) consider international programs demonstrating implementation of income contingent repayment collected through revenue services, such as programs in England, Australia, and New Zealand.

SEC. 803. INDEPENDENT EVALUATION OF DISTANCE EDUCATION PROGRAMS.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the National Academy of Sciences to conduct a scientifically correct and statistically valid evaluation of the quality of distance edu-

cation programs, as compared to campus-based education programs, at institutions of higher education. Such evaluation shall include—

(1) identification of the elements by which the quality of distance education, as compared to campus-based education, can be assessed, including elements such as subject matter, interactivity, and student outcomes;

(2) identification of distance and campus-based education program success, with respect to student achievement, in relation to the mission of the institution of higher education; and

(3) identification of the types of students (including classification of types of students based on student age) who most benefit from distance education programs, the types of students who most benefit from campus-based education programs, and the types of students who do not benefit from distance education programs, by assessing elements including access to higher education, job placement rates, undergraduate graduation rates, and graduate and professional degree attainment rates.

(b) SCOPE.—The National Academy of Sciences shall select for participation in the evaluation under subsection

(a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(c) INTERIM AND FINAL REPORTS.—The agreement under subsection (a) shall require that the National Academy of Sciences submit to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)—

(1) an interim report regarding the evaluation under subsection (a) not later than December 31, 2008; and

(2) a final report regarding such evaluation not later than December 31, 2010.

SEC. 804. ENCOURAGING COLLEGES AND UNIVERSITIES TO "GO GREEN".

(a) FINDINGS.—The Committee on Education and Labor of the House of Representatives makes the following findings:

(1) A commitment to and academic programs for environmental and economic sustainability are essential for our Nation's future prosperity.

(2) The more than 4,200 higher education institutions in the United States have the capacity to innovatively leverage spending and change consumption patterns by incorporating concepts of sustainability into their academic programs and by mod-

eling sustainable economic and environmental practices for their communities.

(3) Many colleges and universities have interdisciplinary programs or centers focusing on equipping students with the academic content knowledge needed to understand concepts of sustainability and ''going green''.

(4) Many colleges and universities have programs related to the research of sustainability and sustainable systems.

(5) Academic programs related to sustainability vary in rigor because no national education content standards for academic sustainability programs currently exist.

(6) Colleges and universities may partner with businesses to encourage students and faculty to translate academic learning and research into practical solutions that promote sustainability.

(7) Colleges and universities that make an effort to reduce energy consumption and promote environmental sustainability not only reduce their own emissions, but also motivate the leaders of the next generation to action and create technical skills and resources to develop innovative solutions.

(8) Many colleges and universities have undertaken detailed, campus-wide assessments of their progress toward ''going green'' and sustainability or have measured their progress in specific sectors, such as operations, or specific parameters, such as recycling, energy, and water consumption.

(9) No system that evaluates and compares college and university campuses in terms of overall sustainability-related academic programs and practices currently exists.

(b) SENSE OF THE COMMITTEE ON EDUCATION AND LABOR.—It is the sense of the Committee on Education and Labor that in order to encourage increased public awareness of the need to ''go green'' by using sustainable economic and environmental practices and rigorous sustainability academic programs on college and university campuses, the following should be encouraged:

(1) The development of educational standards by institutions of higher education to determine the necessary rigor and effectiveness of academic sustainability programs.

(2) Public awareness of the need for ''going green'' by using sustainable economic and environmental practices.

(3) Non-governmental efforts to improve economic and environmental sustainability efforts on college and university campuses, including holding national summits to share best practices.

(4) Collaborative partnerships between Federal agencies, businesses, universities and communities to broaden sustainability practices.

SEC. 805. STUDY OF COSTS OF ENVIRONMENTAL, HEALTH, AND SAFETY STANDARDS.

(a) STUDY.—The Secretary of Education shall commission the National Research Council to conduct a national study to determine the viability of developing and implementing standards in environmental, health, and safety areas to provide for differential regulation of industrial laboratories and facilities, on the one hand, and research and teaching laboratories on the other. The National Research Council shall make specific recommendations for statutory and regulatory changes that are needed to develop such a differential approach.

(b) REPORT.—The Secretary of Education shall submit the list of those regulations that impose the greatest compliance costs on institutions of higher education and make recommendations for statutory changes to ease the compliance burden to the authorizing committees (as such

term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

SEC. 806. STUDY OF MINORITY MALE ACADEMIC ACHIEVEMENT.

(a) STUDY REQUIRED.—The Secretary of Education shall—

(1) commission and ensure the conduct of a national study of underrepresented minority males, particularly African American and Hispanic American males, completing high school, and entering and graduating from colleges and universities in accordance with the following:

(A) the data comprising the study shall focus primarily on African American and Hispanic American males and will utilize existing data sources;

(B) the study shall focus on high school completion and preparation for college, success on the SAT and ACT, and minority male access to college, including the financing of college, and college persistence and graduation; and

(C) the implementation of the study shall be in four stages based on the recommendations of the Commissioner of Education Statistics; and

(2) make specific recommendations to the Congress and State superintendents of education on new approaches to increase—

(A) the number of minority males successfully preparing themselves for college study;

(B) the number of minority males graduating from high school and entering college; and

(C) the number of minority males graduating from college and entering careers in which they are underrepresented.

(b) SUBMISSION OF THE REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit a report on the study required by subsection (a)(1), together with the recommendations required by subsection (a)(2), to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)).

SEC. 807. STUDY ON BIAS IN STANDARDIZED TESTS.

(a) STUDY.—The Comptroller General shall conduct a study to identify any race, ethnicity, and gender biases present in the design of standardized tests that are used for admission to institutions of higher education.

(b) DATA AVAILABLE TO THE PUBLIC.—Any data collected and used for the study under subsection (a) shall

be made publicly available, except that such data shall not be made available in any manner that reveals personally identifiable information relating to any individual.

(c) REPORT.—Not later than one year after date of the enactment of this Act, the Comptroller General shall issue an interim report to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) related to the progress of the study under subsection (a).

SEC. 808. FEASIBILITY STUDY ON STUDENT LOANS.

(a) STUDY REQUIRED.—The Congressional Budget Office shall conduct a study on the feasibility of allowing borrowers in repayment of student loans made under the Higher Education Act of 1965 the option of selecting or renegotiating a fixed or variable interest rate on their loans and the repayment period of such loans. The study shall evaluate various scenarios and options and take into consideration the costs to the government, lenders and borrowers of allowing such an option as well as the impact on service quality.

(b) REPORT.—The Congressional Budget Office shall submit a report on the study required by this section to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) not

later than one year after the date of the enactment of this Act.

SEC. 809. ENDOWMENT REPORT.

(a) ANALYSIS OF ENDOWMENTS.—The Secretary of Education shall conduct a study on the amounts, uses, and public purposes of the endowments of institutions of higher education. The study shall include information (disaggregated by types of institution) describing—

(1) the average and range of—

(A) the outstanding balance of such endowments;

(B) the growth of such endowments over the last 20 years; and

(C) the percentage of spending on an annual basis and, to the extent practicable, the uses of such endowments by the institutions; and

(2) the extent to which the funds in such endowments are restricted, and the restrictions placed upon such funds.

(b) SUBMISSION OF REPORT.—The Secretary shall submit the report required by subsection (a) to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003))

not later than one year after the date of enactment of this Act.

SEC. 810. STUDY OF CORRECTIONAL POSTSECONDARY EDUCATION.

(a) STUDY REQUIRED.—The Secretary of Education shall—

(1) conduct a longitudinal study to assess the effects of correctional postsecondary education that—

(A) employs rigorous empirical methods that control for self-selection bias;

(B) measures a range of outcomes, including those related to employment and earnings, recidivism, engaged citizenship, impact on families of the incarcerated, and impact on the culture of the correctional institution;

(C) examines different delivery systems of postsecondary education, such as on-site and distance learning; and

(D) includes a projected cost-benefit analysis of the Federal investment in terms of reduction of future offending, reduction of future prison costs (construction and operational), increased tax payments by formerly incarcerated individuals, a reduction of welfare and other so-

cial service costs for successful formerly incarcerated individuals, and increased costs from the employment of formerly incarcerated individuals; and

(2) make specific recommendations to the Congress and the relevant State agencies responsible for correctional education, such as the State superintendents of education and State secretaries of corrections, on best approaches to increase correctional education and its effectiveness.

(b) SUBMISSION OF REPORTS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit an interim report on the progress of the study required by subsection (a)(1) to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)). Not later than 7 years after the date of enactment of this Act, the Secretary shall submit a final report, together with the recommendations required by subsection (a)(3), to the authorizing committees.

SEC. 811. NATIONAL UNDERGRADUATE FELLOWS PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized to provide grants, on a competitive basis, to insti-

1 tutions of higher education (as defined in section 102) to
2 support a National Undergraduate Fellows program.
3 (b) PURPOSE OF GRANTS.—Grants under this section
4 shall be provided to enable administrators (including stu-
5 dent affairs administrators)—
6 (1) to improve postsecondary degree completion
7 rates of current underrepresented students through
8 mentoring, a leadership institute, an internship, and
9 funding to attend regional and national higher edu-
10 cation administration conferences;
11 (2) to increase the retention and success rates
12 of not only current students, but future generations
13 of underrepresented college students, by encouraging
14 them to pursue a career in higher education or stu-
15 dent affairs; and
16 (3) to increase the quality and number of
17 underrepresented higher education and student af-
18 fairs administrators able to provide much needed
19 student support services to students.
20 (c) USES OF FUNDS.—Grantees under this section
21 may use the funds to provide—
22 (1) staffing support for the program, which
23 may include a higher education administrator as a
24 mentor;

(2) summer internship opportunities focusing on higher education administration, at an institution other than their own;

(3) a summer leadership institute participation opportunity for self reflection, leadership skill building, graduate school preparation, and career development; and

(4) as needed, support to attend regional and national higher education conferences for additional leadership and professional development.

(d) ON-GOING SUPPORT FOR THE FELLOWS PROGRAM.—From the funds appropriated in section 800 of the Higher Education Act of 1965, the Secretary shall award a grant, on a competitive basis, to a national organization to enable such organization to support the establishment and ongoing work of the program under this section.

SEC. 812. NATIONAL CENTER FOR LEARNING SCIENCE AND TECHNOLOGY TRUST FUND.

(a) ESTABLISHMENT.—There is established a nonprofit corporation to be known as the National Center for Learning Science and Technology (referred to in this Act as the ''Center'') which shall not be an agency or establishment of the United States Government. The Center shall be subject to the provisions of this section, and, to

the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(b) FUNDING.—

(1) IN GENERAL.—There is established in the Treasury a separate fund to be known as the National Center for Learning Science and Technology Trust Fund (referred to in this Act as the ''Trust Fund''). The Trust Fund shall contain such amounts as are credited to the Trust Fund under paragraph (2) and other funds obtained under paragraph (3).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Trust Fund such sums as may be necessary for the fiscal years 2008 and each of the 4 succeeding fiscal years.

(3) ADDITIONAL FUNDS.—The Trust Fund is authorized—

(A) to accept funds from any Federal agency or entity;

(B) to accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Center; and

(C) to enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Center.

(c) BOARD OF DIRECTORS; FUNCTIONS, AND DUTIES.—

(1) IN GENERAL.—A board of directors of the Center (referred to in this Act as the ''Board'') shall be established to oversee the administration of the Center. The initial Board shall consist of 9 members to be appointed by the Secretary of Education from a list of recommendations received from the House of Representatives and the Senate, who—

(A) reflect representation from the public and private sectors; and

(B) shall provide, as nearly as practicable, a broad representation of various regions of the United States, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Center.

(2) ORGANIZATION AND OPERATION.—The board shall incorporate and operate the center in ac-

cordance with the laws governing tax exempt organizations in the District of Columbia.

(d) TRUST FUND USES.—

(1) USES OF FUNDS.—To achieve the objectives of this Act, the Director of the Center, after consultation with the Board, shall use Trust funds to support research that is in the public interest but that is unlikely to be undertaken entirely with private funds—

(A) to support precompetitive and applied research development and demonstrations, and assessments of prototypes of innovative digital learning and information technologies as well as the components and tools needed to create them;

(B) to support the pilot testing and evaluation of these prototype systems;

(C) to encourage the widespread adoption and use of effective, innovative digital approaches to learning supported by this Act; and

(D) to support innovative digital media education programs for parents, teachers, and children to help children in the United States learn digital safety and build technology literacy.

(2) CONTRACTS AND GRANTS.—

(A) IN GENERAL.—In order to carry out the activities described in paragraph (1), the Director of the Center, with the agreement of a majority of the members of the Board, may award contracts and grants to colleges and universities, museums, libraries, public broadcasting entities and similar nonprofit organizations and public institutions with or without for-profit partners, and to for-profit organizations.

(B) PUBLIC DOMAIN.—

(i) IN GENERAL.—The research and development properties and materials associated with a project in which a majority of the funding used to carry out the project is from a grant or contract under this Act shall be freely and nonexclusively available to the general public in a timely manner.

(ii) EXEMPTION.—The Director of the Center may exempt specific projects from the requirement of clause (i) if the Director of the Center and a majority of the members of the Board determine that the

general public will benefit significantly due to the project not being freely and non-exclusively available to the general public in a timely manner.

(C) PEER REVIEW.—To the extent practicable, proposals for grants or contracts shall be evaluated on the basis of comparative merit by panels of experts who represent diverse interests and perspectives, and who are appointed by the Director of the Center from recommendations from the fields served and from the Board of Directors.

(e) ACCOUNTABILITY AND REPORTING.—

(1) REPORT.—

(A) IN GENERAL.—Not later than April 30 of each year, the Director of the Center shall prepare a report for the preceding fiscal year that contains the information described in subparagraph (B).

(B) CONTENTS.—A report under subparagraph (A) shall include—

(i) a comprehensive and detailed report of the Center's operations, activities, financial condition, and accomplishments,

and such recommendations as the Director of the Center determines appropriate;

(ii) a comprehensive and detailed inventory of funds distributed from the Trust Fund during the fiscal year for which the report is being prepared; and

(iii) an independent audit of the Trust Fund's finances and operations, and of the implementation of the goals established by the Board.

(C) STATEMENT OF THE BOARD.—Each report under subparagraph (A) shall include a statement from the Board containing—

(i) a clear description of the plans and priorities of the Board for the subsequent 5-year period for expenditures from the Trust Fund; and

(ii) an estimate of the funds that will be available for such expenditures from the Trust Fund.

(D) SUBMISSION TO THE PRESIDENT AND CONGRESS.—A report under this subsection shall be submitted to the President and the authorizing committees (as such term is defined in

section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)).

(2) TESTIMONY.—The Director and principal officers of the Center shall testify before the appropriate committees of Congress, upon request of such committees, with respect to—

(A) a report prepared under paragraph (1)(A); and

(B) any other matter that such committees may determine appropriate.

(f) USE OF FUNDS SUBJECT TO APPROPRIATIONS.—The authority to award grants, enter into contracts, or otherwise to expend funds under this section is subject to the availability of amounts deposited into the Trust Fund under subsection (b)(3)(A) or (B), or amounts otherwise appropriated for such purposes by an Act of Congress.

SEC. 813. GAO STUDY OF EDUCATION RELATED INDEBTEDNESS OF MEDICAL SCHOOL GRADUATES.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to evaluate the higher education related indebtedness of medical school graduates in the United States at the time of graduation.

(b) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study required by subsection (a)

to the authorizing Committees (as such term is defined in section 103 of the Higher Education Act of 1965), and shall make the report widely available to the public. Additional reports may be periodically prepared and released as necessary.

SEC. 814. STUDY ON REGIONAL SENSITIVITY IN THE NEEDS ANALYSIS FORMULA.

(a) STUDY.—The Comptroller General shall conduct a study to review the methodology that is used to determine the expected family contribution under part F of title IV of the Higher Education Act of 1965.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall identify and evaluate the need analysis formula under part F of title IV of the Higher Education Act of 1965 and examine the need for regional sensitivity in need analysis. The study shall include—

(1) the factors that are used to determine a student's expected family contribution under part F of title IV of the Higher Education Act;

(2) the varying allowances that are made in calculating the expected family contribution;

(3) the effects of the income protection allowance on all aid recipients; and

(4) options for modifying the income protection allowance to reflect the significant differences in the cost of living in various parts of the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, Comptroller General shall report to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) on the results of the study conducted under this section.

SEC. 815. DYSLEXIA STUDY.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the Center for Education of the National Academy of Sciences for a scientifically based study of the quality of teacher education programs, to determine if teachers are adequately prepared to meet the needs of students with reading and language processing challenges, including dyslexia. Such study shall—

(1) establish the prevalence of dyslexia and other processing difficulties in the general population by conducting a review of existing research and available relevant data; and

(2) conduct a survey of institutions of higher education to provide data on the extent to which teacher education programs are based on the essen-

tial components of reading instruction and scientifically valid research.

(b) COMPONENTS.—The study conducted under subsection (a) shall be designed to provide statistically reliable information on—

(1) the number, type of courses, and credit hours required to meet the requirements of the reading degree programs; and

(2) the extent to which the content of the reading degree programs are based on—

(A) the essentials of reading instruction and scientifically valid research, including phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(B) early intervention strategies based on scientific evidence concerning challenges to the development of language processing capacity, specifically dyslexia, and the extent to which such strategies are effective in preventing reading failure before it occurs.

(c) SCOPE.—The National Academy of Sciences shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(d) INTERIM AND FINAL REPORTS.—The National Academy of Sciences shall submit to the Secretary of Education, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives—

(1) an interim report regarding the study under subsection (a) not later than 9 months after the award of the contract to the Center for Education, as specified in this Act; and

(2) a final report summarizing the findings, conclusions, and recommendations of such study not later than 18 months after the award of such contract.

(e) TASK FORCE.—

(1) ESTABLISHMENT.—Upon completion of the final report under subsection (d)(2), the Secretary of Education shall assemble a task force to make policy recommendations regarding the findings of the report to the Secretary.

(2) MEMBERSHIP.—The membership of the task force under this subsection shall include chief State school officers, State reading consultants, a panel of master teachers, national reading experts, and researchers with expertise in the relevant fields.

(3) PUBLIC HEARINGS.—The task force under this subsection shall hold public hearings to provide an opportunity for public comment on the results of the findings of the task force.

SEC. 816. STUDY AND REPORT ON BORROWER REPAYMENT PLANS.

(a) STUDY.—The Secretary of Education shall conduct a study—

(1) on the impact of the standard 10-year student loan repayment term on the ability of undergraduate borrowers in low-income areas, including Puerto Rico, to repay their loans made under title IV, part B, of the Higher Education Act of 1965; and

(2) to examine the extent to which longer payment terms would assist borrowers in such low-income areas in reducing their monthly loan payments.

(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary shall submit a report to Congress on the results of the study required by this section.

SEC. 817. NURSING SCHOOL CAPACITY.

(a) FINDINGS.—The Congress finds as follows:

(1) Researchers in the field of public health have identified the need for a national study to iden-

tify constraints encountered by schools of nursing in graduating the number of nurses sufficient to meet the health care needs of the United States.

(2) The shortage of qualified registered nurses has adversely affected the health care system of the United States.

(3) Individual States have had varying degrees of success with programs designed to increase the recruitment and retention of nurses.

(4) Schools of nursing have been unable to provide a sufficient number of qualified graduates to meet the workforce needs.

(5) Many nurses are approaching the age of retirement, and the problem worsens each year.

(6) In 2004, an estimated 125,000 applications from qualified applicants were rejected by schools of nursing, due to a shortage of faculty and a lack of capacity for additional students.

(b) STUDY WITH RESPECT TO CONSTRAINTS WITH RESPECT TO SCHOOLS OF NURSING.—

(1) IN GENERAL.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into an agreement under which the Institute conducts a study for the purpose of—

(A) identifying constraints encountered by schools of nursing in admitting and graduating the number of registered nurses necessary to ensure patient safety and meet the need for quality assurance in the provision of health care; and

(B) developing recommendations to alleviate the constraints on a short-term and long-term basis.

(2) CERTAIN COMPONENTS.—The Secretary shall ensure that the agreement under paragraph (1) provides that the study under such subsection will include information on the following:

(A) The trends in applications for attendance at schools of nursing that are relevant to the purpose described in such subsection, including trends regarding applicants who are accepted for enrollment and applicants who are not accepted, particularly qualified applicants who are not accepted.

(B) The number and demographic characteristics of entry-level and graduate students currently enrolled in schools of nursing, the retention rates at the schools, and the number of recent graduates from the schools, as compared

to previous years and to the projected need for registered nurses based on two-year, five-year, and ten-year projections.

(C) The number and demographic characteristics of nurses who pursue graduate education in nursing and non-nursing programs but do not pursue faculty positions in schools of nursing, the reasons therefor, including any regulatory barriers to choosing to pursue such positions, and the effect of such decisions on the ability of the schools to obtain adequate numbers of faculty members.

(D) The extent to which entry-level graduates of the schools are satisfied with their educational preparation, including their participation in nurse externships, internships, and residency programs, and to which they are able to effectively transition into the nursing workforce.

(E) The satisfaction of nurse managers and administrators with respect to the preparation and performance levels of entry-level graduates from the schools after one year, three years, and five years of practice, respectively.

(F) The extent to which the current salary, benefit structures, and characteristics of the

1 workplace, including the number of nurses who
2 are presently serving in faculty positions, influ-
3 ence the career path of nurses who have pur-
4 sued graduate education.
5 (G) The extent to which the use of innova-
6 tive technologies for didactic and clinical nurs-
7 ing education might provide for an increase in
8 the ability of schools of nursing to train quali-
9 fied nurses.
10 (3) RECOMMENDATIONS.—Recommendations
11 under paragraph (2)(B) may include recommenda-
12 tions for legislative or administrative changes at the
13 Federal or State level, and measures that can be
14 taken in the private sector—
15 (A) to facilitate the recruitment of stu-
16 dents into the nursing profession;
17 (B) to facilitate the retention of nurses in
18 the workplace; and
19 (C) to improve the resources and ability of
20 the education and health care systems to pre-
21 pare a sufficient number of qualified registered
22 nurses.
23 (4) METHODOLOGY OF STUDY.—
24 (A) SCOPE.—The Secretary shall ensure
25 that the agreement under paragraph (1) pro-

vides that the study under such subsection will consider the perspectives of nurses and physicians in each of the various types of inpatient, outpatient, and residential facilities in the health care delivery system; faculty and administrators of schools of nursing; providers of health plans or health insurance; and consumers.

(B) CONSULTATION WITH RELEVANT ORGANIZATION.—The Secretary shall ensure that the agreement under paragraph (1) provides that relevant agencies and organizations with expertise on the nursing shortage will be consulted with respect to the study under such subsection, including but not limited to the following:

(i) The Agency for Healthcare Research and Quality.

(ii) The American Academy of Nursing.

(iii) The American Association of Colleges of Nursing.

(iv) The American Nurses Association.

(v) The American Organization of Nurse Executives.

(vi) The National Institute of Nursing Research.

(vii) The National League for Nursing.

(viii) The National Organization for Associate Degree Nursing.

(ix) The National Student Nurses Association.

(5) REPORT.—The Secretary shall ensure that the agreement under paragraph (1) provides that not later than 18 months after the date of the enactment of this section, a report providing the findings and recommendations made in the study under such subsection will be submitted to the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(6) OTHER ORGANIZATION.—If the Institute declines to conduct the study under paragraph (1), the Secretary may enter into an agreement with another appropriate private entity to conduct the study.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''Institute'' means the Institute of Medicine of the National Academy of Sciences.

(2)(A) The term ''school of nursing'' means a collegiate, associate degree, or diploma school of nursing in a State.

(B) The terms ''collegiate school of nursing'', ''associate degree school of nursing'', and ''diploma school of nursing'' have the meanings given to such terms in section 801 of the Public Health Service Act.

(3) The term ''Secretary'' means the Secretary of Education.

SEC. 818. STUDY OF THE IMPACT OF STUDENT LOAN DEBT ON PUBLIC SERVICE.

(a) STUDY.—The Secretary of Education, in consultation with the Office of Management and Budget, is authorized to coordinate with an organization with expertise in the field of public service, such as the National Academy of Public Administrators or the American Society for Public Administration, to coordinate with interested parties to conduct a study of how student loan debt levels impact the decisions of graduates of postsecondary and graduate education programs to enter into public service careers. Such study shall include—

(1) an assessment of the challenges to recruiting and retaining well-qualified public servants, including the impact of student loan debt;

(2) an evaluation of existing Federal programs to recruit and retain well-qualified public servants;

(3) an evaluation of whether additional Federal programs could increase the number of graduates of postsecondary and graduate education programs who enter careers in public service; and

(4) recommendations related to any potential pilot programs, including an academy for public service, that could be used to encourage new graduates of postsecondary and graduate education programs to enter public service careers.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education, in consultation with the Office of Management and Budget, shall submit to Congress a report related to the findings of the study conducted under subsection (a).

SEC. 819. FEDERAL REGULATION OF HIGHER EDUCATION REPORT.

(a) ANALYSIS OF FEDERAL REGULATIONS ON INSTITUTIONS OF HIGHER EDUCATION.—The Secretary of Education shall contract with the National Research Council of the National Academies to conduct a study to

ascertain the amount and scope of all Federal regulations and reporting requirements with which institutions of higher education must comply. The study shall include information describing—

(1) by agency, the number of Federal regulations and reporting requirements affecting institutions of higher education;

(2) by agency, the estimated time required and costs to institutions of higher education (disaggregated by types of institutions) to comply with the regulations and reporting requirements as required in (a)(1); and

(3) by agency, recommendations for consolidating, streamlining, and eliminating redundant and burdensome Federal regulations and reporting requirements affecting institutions of higher education.

(b) SUBMISSION OF REPORT.—The Secretary shall submit the report required by subsection (a) to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) not later than 18 months after the date of enactment of this Act.

SEC. 820. STUDY OF AID TO LESS-THAN-HALF-TIME STUDENTS.

(a) STUDY REQUIRED.—The Secretary shall conduct a study on making and expanding the student aid available under title IV of the Higher Education Act of 1965 to less-than-half-time students. The Secretary shall submit a report on the results of such study, including the Secretary's recommendations, to the authorizing committees not later than one year after the date of enactment of this Act.

(b) SUBJECTS FOR STUDY.—The study required by this section shall, at a minimum, examine the following:

(1) The existing sources of Federal aid for less-than-half-time students seeking a college degree or certificate.

(2) The demand for Federal aid for less-than-half-time students and whether the demand is satisfied by existing sources of Federal aid, taking into consideration not only the number of less-than-half-time students currently seeking a college degree or certificate, but also any increase in the number of less-than-half-time students that may result from an expansion of Federal aid for less-than-half-time students seeking a college degree or certificate.

(3) The potential costs to the Federal Government and the potential benefits that could be re-

ceived by students resulting from expanding Federal aid for less-than-half-time students seeking a college degree or certificate.

(4) The barriers to expanding Federal aid for less-than-half-time students, including identifying—

(A) statutory and regulatory barriers, such as student eligibility, institutional eligibility, need analysis, program integrity, and award amounts; and

(B) other factors that may limit participation in an expanded Federal aid program for less-than-half-time students.

(c) RECOMMENDATIONS TO BE PROVIDED.—The Secretary's recommendations under this section shall include recommendations for designing a demonstration student loan program tailored to less-than-half-time students. The recommendations shall include any required statutory or regulatory modifications, as well as proposed accountability mechanisms to protect students, institutions, and the Federal investment in higher education.

(d) DEFINITIONS.—As used in this section:

(1) the term ''Secretary'' means the Secretary of Education;

(2) the term ''authorizing committees'' has the meaning provided in section 103 of the Higher Education Act of 1965, as amended by this Act;

(3) the term ''less-than-half-time student'' means a student who is carrying less than one-half the normal full-time work load for the course of study that the student is pursuing, as determined by the institution such student is attending.

SEC. 821. ESTABLISHMENT OF PILOT PROGRAM FOR COURSE MATERIAL RENTAL.

(a) PILOT GRANT PROGRAM.—From the amounts appropriated pursuant to subsection (e), the Secretary shall make grants on a competitive basis to not more than 10 institutions of higher education to support pilot programs that expand the services of bookstores to provide the option for students to rent course materials in order to achieve savings for students.

(b) APPLICATION.—An institution of higher education that desires to obtain a grant under this section shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information, agreements, and assurances as the Secretary may reasonably require.

(c) USE OF FUNDS.—The funds made available by a grant under this section may be used for—

(1) purchase of course materials that the entity will make available by rent to students;

(2) any equipment or software necessary for the conduct of a rental program;

(3) hiring staff needed for the conduct of a rental program, with priority given to hiring enrolled undergraduate students; and

(4) building or acquiring extra storage space dedicated to course materials for rent.

(d) EVALUATION AND REPORT.—

(1) EVALUATIONS BY RECIPIENTS.—After a period of time to be determined by the Secretary, each institution of higher education that receives a grant under this section shall submit a report to the Secretary on the effectiveness of their rental programs in reducing textbook costs for students.

(2) REPORT TO CONGRESS.—Not later than September 30, 2010, the Secretary shall submit a report to Congress on the effectiveness of the textbook rental pilot programs under this section, and identify the best practices developed in such pilot programs. Such report shall contain an estimate by the Secretary of the savings achieved by students who participate in such pilot programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2009 and 2010.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

(1) by striking the section heading and inserting "**LAURENT CLERC NATIONAL DEAF EDUCATION CENTER**";

(2) in subsection (a)(1)(A), by inserting "the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out" after "maintain and operate"; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking "elementary and secondary education programs" and inserting "Clerc Center";

(B) in paragraph (2), by striking "elementary and secondary education programs" and inserting "Clerc Center";

(C) in paragraph (4)(C)—

(i) in clause (i), by striking ''(6)'' and inserting ''(8)''; and

(ii) in clause (vi), by striking ''(m)'' and inserting ''(o)''; and

(D) by adding at the end the following:

''(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

''(A)(i) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; and

''(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

''(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C.

6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and

"(C) publicly report the results of the academic assessments implemented under subparagraph (A), except where such reporting would not yield statistically reliable information or would reveal personally identifiable information about an individual student, and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).".

SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking "the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act" and inserting "subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act"; and

(2) by striking "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the second sentence;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) If, pursuant to the agreement established under paragraph (1), either the Secretary or the institution of higher education terminates the agreement, the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with one of those institutions for the establishment and operation of a National Technical Institute for the Deaf.''; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''; and

(B) in paragraph (5)—

(i) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a—276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(ii) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 904. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''sections'' and all that follows through the period and inserting ''sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209.''; and

(B) in paragraph (3), by inserting ''and the Committee on Education and Labor of the House of Representatives and the Committee

on Health, Education, Labor, and Pensions of the Senate'' after ''Secretary''; and

(2) in subsection (c)(2)(A), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 905. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate'';

(2) in paragraph (1), by striking ''preparatory,'';

(3) in paragraph (2)(C), by striking ''upon graduation/completion'' and inserting ''on the date that is 1 year after the date of graduation or completion''; and

(4) in paragraph (3)(B), by striking ''of the institution of higher education'' and all that follows through ''section 203'' and inserting ''of NTID programs and activities''.

SEC. 906. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in the first sentence of subsection (a), by striking ''preparatory,'';

(2) in subsection (b), by striking ''The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of'' and inserting ''The Secretary shall annually transmit information to Congress on''; and

(3) in subsection (c), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

SEC. 907. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking ''Not later than 30 days after the date of enactment of this Act, the'' and inserting ''The''.

SEC. 908. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking ''fiscal years 1998 through 2003'' each place it appears and inserting ''fiscal years 2008 through 2013''.

SEC. 909. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 910. INTERNATIONAL STUDENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking ''preparatory, undergraduate,'' and inserting ''undergraduate'';

(B) by striking ''Effective with'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), effective with''; and

(C) by adding at the end the following:

''(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at the University or the NTID, who are residing outside of the United States, and are not enrolled in a degree program at the University or the NTID shall—

"(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

"(B) not be charged a tuition surcharge, as described in subsection (b)."; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

"(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including undergraduate and graduate students) or NTID shall include, for academic year 2008–2009 and any succeeding academic year, a surcharge of—

"(1) 100 percent for a postsecondary international student from a non-developing country; and

"(2) 50 percent for a postsecondary international student from a developing country, or a country that was a developing country for any academic year during the student's period of uninter-

rupted enrollment in a degree program at the University or NTID, except that such a surcharge shall not be adjusted retroactively.

"(c) REDUCTION OF SURCHARGE.—

"(1) IN GENERAL.—Beginning with the academic year 2008–2009, the University or NTID may reduce the surcharge—

"(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—

"(i) a student described under subsection (b)(1) demonstrates need; and

"(ii) such student has made a good-faith effort to secure aid through such student's government or other sources; and

"(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—

"(i) a student described under subsection (b)(2) demonstrates need; and

"(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

"(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—

"(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

"(B) shall be approved by the Secretary.

"(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $5,345, measured in 2005 United States dollars, as adjusted by the Secretary to reflect inflation since 2005.".

SEC. 911. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking "Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate" and inserting "Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate".

SEC. 912. NATIONAL STUDY ON THE EDUCATION OF THE DEAF.

(a) CONDUCT OF STUDY.—Subsection (a)(1) of section 211 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360) is amended by inserting after "The Secretary shall" the following: "establish a commission on the

education of the deaf (in this section referred to as the 'commission') to''.

(b) PUBLIC INPUT AND CONSULTATION.—Subsection (b) of such section is amended by striking ''Secretary'' each place it appears and inserting ''commission''.

(c) REPORT.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''Secretary'' and all that follows through ''1998'' and inserting ''commission shall report to the Secretary and Congress not later than 18 months after the date of the enactment of the College Opportunity and Affordability Act of 2008''; and

(2) in paragraph (1)—

(A) by striking ''recommendations,'' and inserting ''recommendations relating to educated-related factors that contribute to successful postsecondary education experiences and employment for individuals who are deaf,''; and

(B) by striking ''Secretary'' and inserting ''commission''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of such section is amended by striking ''$1,000,000 for each of the fiscal years 1999 and 2000''

and inserting ''such sums as may be necessary for each of the fiscal years 2008 and 2009''.

SEC. 913. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''; and

(2) in subsection (b), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

PART B—INDIAN EDUCATION

Subpart 1—Tribal Colleges and Universities

SEC. 921. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking ''in the field of Indian education'' and inserting ''in the fields of tribally controlled colleges and universities and Indian higher education''.

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) 'Indian student' means a student who is—

"(A) a member of an Indian tribe; or

"(B) a biological child of a member of an Indian tribe, living or deceased;".

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "paragraph (7) of subsection (a)" and inserting "subsection (a)(8)";

(2) by striking paragraph (5) and inserting the following:

"(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—

"(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester sys-

tem, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

"(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university."; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (3), the following:

"(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

"(B) according to such an agency or association, is making reasonable progress toward accreditation.".

(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—

(1) by striking the section designation and heading and all that follows through "The Secretary shall" and inserting the following:

"SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.

"(a) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall";

(2) in the second sentence, by striking "In the awarding of contracts for technical assistance, preference shall be given" and inserting the following:

"(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded"; and

(3) in the third sentence, by striking "No authority" and inserting the following:

"(b) EFFECT OF SECTION.—No authority".

(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''(a) Except as provided in section 111,'' and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,'';

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking ''him'' and inserting ''the Secretary''; and

(ii) by striking ''product of'' and inserting ''product obtained by multiplying'';

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking ''section 2(a)(7)'' and inserting ''section 2(a)(8)''; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''$6,000,'' and inserting ''$8,000, as adjusted annually for inflation.''; and

(4) by striking ''except that no grant shall exceed the total cost of the education program pro-

vided by such college or university.'' and inserting the following:

''(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.''.

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking ''1999'' and inserting ''2008'';

(2) in paragraphs (1), (2), and (3), by striking ''4 succeeding'' and inserting ''5 succeeding'';

(3) in paragraph (2), by striking ''$40,000,000'' and inserting ''such sums as may be necessary'';

(4) in paragraph (3), by striking ''$10,000,000'' and inserting ''such sums as may be necessary''; and

(5) in paragraph (4), by striking ''succeeding 4'' and inserting ''5 succeeding''.

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or Uni-

1 versity Assistance Act of 1978 (25 U.S.C. 1836(a)) is
2 amended—
3 (1) by striking ''1999'' and inserting ''2008'';
4 and
5 (2) by striking ''4 succeeding'' and inserting ''5
6 succeeding''.
7 (i) TRIBAL ECONOMIC DEVELOPMENT REAUTHOR-
8 IZATION.—Section 403 of the Tribal Economic Develop-
9 ment and Technology Related Education Assistance Act
10 of 1990 (25 U.S.C. 1852) is amended—
11 (1) by striking ''$2,000,000 for fiscal year
12 1999'' and inserting ''such sums as may be nec-
13 essary for fiscal year 2008''; and
14 (2) by striking ''4 succeeding'' and inserting ''5
15 succeeding''.
16 (j) TRIBALLY CONTROLLED POSTSECONDARY CA-
17 REER AND TECHNICAL INSTITUTIONS.—
18 (1) IN GENERAL.—The Tribally Controlled Col-
19 lege or University Assistance Act of 1978 (25 U.S.C.
20 1801 et seq.) is amended by adding at the end the
21 following:

"TITLE V—TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS

"SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.

''In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

"SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2008 and each fiscal year thereafter, the Secretary shall—

''(1) subject to subsection (b), select 2 tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

''(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at

the tribally controlled postsecondary career and technical institutions.

"(b) SELECTION OF CERTAIN INSTITUTIONS.—

"(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

"(2) INSTITUTIONS.—The 2 tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

"(A) the United Tribes Technical College; and

"(B) the Navajo Technical College.

"(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

"(d) DISTRIBUTION.—

"(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

"(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

"(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

"(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

"(A) dividing the excess amount by the aggregate Indian student count (as defined in sec-

tion 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h))) of such institutions for the prior academic year; and

"(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

"SEC. 503. APPLICABILITY OF OTHER LAWS.

"(a) IN GENERAL.—Paragraphs (4) and (7) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

"(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in exist-

ence on the date of enactment of the College Opportunity and Affordability Act of 2008.

"(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institutions to receive Federal financial assistance under—

"(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

"(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

"(3) any other applicable program under which a benefit is provided for—

"(A) institutions of higher education;

"(B) community colleges; or

"(C) postsecondary educational institutions.

"SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary for fiscal year 2008 and each fiscal year thereafter to carry out this title.".

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

"(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

"(1) title I of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

"(2) the Navajo Community College Act (25 U.S.C. 640a et seq.).''; and

(B) by striking subsection (d) and inserting the following:

"(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95–471) is amended to read as follows:

"SEC. 1. SHORT TITLE.

''This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.''.

(2) REFERENCES.—Any reference in law (including regulations) to the Tribally Controlled College or University Assistance Act of 1978 shall be considered to be a reference to the ''Tribally Controlled Colleges and Universities Assistance Act of 1978''.

Subpart 2—Navajo Higher Education

SEC. 931. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(2) by striking ''the Navajo Community College'' and inserting ''Diné College''.

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting ''the'' before ''Interior'';

(B) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(C) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(2) in the second sentence—

(A) by striking ''Navajo Tribe'' and inserting ''Navajo Nation''; and

(B) by striking ''Navajo Indians'' and inserting ''Navajo people''.

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking ''August 1, 1979'' and inserting ''October 31, 2010''; and

(B) in the second sentence, by striking ''Navajo Tribe'' and inserting ''Navajo Nation'';

(2) in subsection (b), by striking ''the date of enactment of the Tribally Controlled Community

College Assistance Act of 1978'' and inserting ''October 1, 2007''; and

(3) in subsection (c), in the first sentence, by striking ''the Navajo Community College'' and inserting ''Diné College''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$2,000,000'' and all that follows through the end of the paragraph and inserting ''such sums as are necessary for fiscal years 2008 through 2013.''; and

(B) by adding at the end the following:

''(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).'';

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking '', for each fiscal year'' and all that follows through ''for—'' and inserting ''such sums as are necessary for fiscal years 2008 through 2013 to pay the cost of—'';

(B) in subparagraph (A)—

(i) by striking ''college'' and inserting ''College'';

(ii) in clauses (i) and (iii), by striking the commas at the end of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking '', and'' at the end and inserting ''; and'';

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking '', and'' at the end and inserting a semicolon;

(E) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

"(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

"(i) higher education programs;

"(ii) career and technical education;

"(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

"(iv) employment and training opportunities;

"(v) economic development and community outreach; and

"(vi) a safe learning, working, and living environment."; and

(3) in subsection (c), by striking "the Navajo Community College" and inserting "Diné College".

(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c–2) is amended—

(1) by striking "the Navajo Community College" each place it appears and inserting "Diné College"; and

(2) in subsection (b), by striking "college" and inserting "College".

(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c–3) is amended by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''.

PART C—HIGHER EDUCATION AMENDMENTS OF 1998; HIGHER EDUCATION AMENDMENTS OF 1992

SEC. 941. GRANTS FOR TRAINING FOR INCARCERATED INDIVIDUALS.

Part D of title VIII of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

''PART D—GRANTS FOR TRAINING FOR INCARCERATED INDIVIDUALS

''SEC. 821. GRANTS FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS.

''(a) DEFINITION.—In this section:

''(1) INCARCERATED INDIVIDUAL.—The term 'incarcerated individual' means a male or female offender who is incarcerated in a State prison, including a prerelease facility.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(b) GRANT PROGRAM.—The Secretary—

"(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States to assist and encourage incarcerated individuals to acquire educational and job skills, through—

"(A) coursework to prepare students to take college-level courses, such as remedial math and English for postsecondary preparation;

"(B) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree, provided by a regionally or nationally accredited body while in prison; and

"(C) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

"(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

"(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall

1 submit to the Secretary a proposal for an incarcerated in-
2 dividual program that—

3 "(1) identifies the scope of the problem, includ-
4 ing the number of incarcerated individuals in need
5 of postsecondary education and vocational training;

6 "(2) lists the accredited public or private edu-
7 cational institution or institutions with campuses es-
8 tablished outside the prison facility that will provide
9 postsecondary preparatory or postsecondary edu-
10 cational services;

11 "(3) lists the cooperating agencies, public and
12 private, or businesses that will provide related serv-
13 ices, such as counseling in the areas of career devel-
14 opment, substance abuse, health, and parenting
15 skills;

16 "(4) describes specific performance objectives
17 and evaluation methods (in addition to, and con-
18 sistent with, any objectives established by the Sec-
19 retary under subsection (b)(2)) that the State cor-
20 rectional education agency will use in carrying out
21 its proposal, including—

22 "(A) specific and quantified student out-
23 come measures that are referenced to outcomes
24 for non-program participants with similar de-
25 mographic characteristics; and

"(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

"(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

"(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

"(iii) attainment of employment both prior to and subsequent to release;

"(iv) success in employment indicated by job retention and advancement; and

"(v) recidivism, including such sub-indicators as time before subsequent offense and severity of offense;

"(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State prison industry programs; and

"(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section.

"(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

"(1) annually report to the Secretary regarding—

"(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

"(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2);

"(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives; and

"(D) how the funds provided under this section are being allocated among postsecondary preparatory education, postsecondary academic, and vocational education programs; and

"(2) provide to each State for each student eligible under subsection (e) not more than—

"(A) $3,000 annually for tuition, books, and essential materials; and

"(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

"(e) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

"(f) LENGTH OF PARTICIPATION.—Services carried out with a grant under this section shall be available to incarcerated individuals as follows:

"(1) Educational services shall start during the period of incarceration or prerelease and shall end upon release.

"(2) Related services shall start during the period of incarceration or prerelease and may continue for not more than one year after release.

"(g) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (h) for each fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to such funds as the total number

of incarcerated individuals in such State bears to the total number of such incarcerated individuals in all States.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.".

SEC. 942. UNDERGROUND RAILROAD.

Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by striking "this section" and all that follows through the period at the end and inserting "this section $3,000,000 for fiscal years 2009 and the 4 succeeding fiscal years.".

SEC. 943. REPEALS OF EXPIRED AND EXECUTED PROVISIONS.

The following provisions of the Higher Education Amendments of 1998 are repealed:

(1) STUDY OF MARKET MECHANISMS IN FEDERAL STUDENT LOAN PROGRAMS.—Section 801 (20 U.S.C. 1018 note).

(2) STUDY OF FEASIBILITY OF ALTERNATE FINANCIAL INSTRUMENTS FOR DETERMINING LENDER YIELDS.—Section 802.

(3) STUDENT RELATED DEBT STUDY.—Section 803 (20 U.S.C. 1015 note).

(4) COMMUNITY SCHOLARSHIP MOBILIZATION.—Part C of title VIII (20 U.S.C. 1070 note).

(5) IMPROVING UNITED STATES UNDERSTANDING OF SCIENCE, ENGINEERING, AND TECHNOLOGY IN EAST ASIA.—Part F of title VIII (42 U.S.C. 1862 note).

(6) WEB-BASED EDUCATION COMMISSION.—Part J of title VIII.

SEC. 944. OLYMPIC SCHOLARSHIPS.

Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by striking ''1999'' and inserting ''2009''.

SEC. 945. ESTABLISHMENT OF ASSISTANT SECRETARY FOR INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION.

(a) IN GENERAL.—Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended in subsection (b)(1)—

(1) in subparagraph (E) by striking ''and'' at the end;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) an Assistant Secretary for International and Foreign Language Education; and".

(b) FUNCTIONS.—Such section is further amended by adding at the end the following:

"(j) The Assistant Secretary for International and Foreign Language Education—

"(1) shall be an individual with extensive background and experience in international and foreign language education; and

"(2) notwithstanding any other provision of law, shall report directly to the Secretary.".

(c) CONFORMING AMENDMENT.—Such section is further amended in subsection (e)—

(1) in paragraph (4), by adding "and" at the end;

(2) in paragraph (5), by striking "; and" at the end and inserting a period; and

(3) by striking paragraph (6).

(d) OFFICE OF INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION.—Title II of the Department of Education Organization Act is amended by inserting after section 207 (20 U.S.C. 3417) the following:

"OFFICE OF INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION

"SEC. 207A. There shall be in the Department an Office of International and Foreign Language Education,

to be administered by the Assistant Secretary for International and Foreign Language Education appointed under section 202(b). In addition to performing such functions affecting international and foreign language education as the Secretary may prescribe, the Assistant Secretary shall—

"(1) have responsibility for encouraging and promoting the study of foreign languages and the study of cultures of other countries at the elementary, secondary, and postsecondary levels in the United States;

"(2) carry out the administration of all Department programs on international and foreign language education and research;

"(3) coordinate with related international and foreign language education programs of other Federal departments and agencies; and

"(4) administer and coordinate the Department of Education's activities in international affairs.".

PART D—JUSTICE DEPARTMENT PROGRAMS

SEC. 951. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

"SEC. 3111. GRANT AUTHORIZATION.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

''(b) DEFINITIONS.—In this section:

''(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal or juvenile delinquency cases (or both) at the State or local level, including an employee who supervises, educates, or trains other persons prosecuting such cases.

''(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

''(A) is continually licensed to practice law; and

''(B) is—

''(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both), includ-

ing an attorney who supervises, educates, or trains other persons providing such representation;

"(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of such full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation; or

"(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both).

"(3) STUDENT LOAN.—The term 'student loan' means—

"(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

"(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

"(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

"(1) is employed as a prosecutor or public defender; and

"(2) is not in default on a loan for which the borrower seeks forgiveness.

"(d) TERMS OF LOAN REPAYMENT.—

"(1) BORROWER AGREEMENT.—To be eligible to receive repayment benefits under subsection (c),

a borrower shall enter into a written agreement with the Attorney General that specifies that—

"(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section; and

"(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government.

"(2) REPAYMENT BY BORROWER.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the es-

tate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(C) WAIVER.—The Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to the availability of appropriations, and subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

"(i) $10,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $60,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—The Attorney General shall provide repayment benefits under this section—

"(A) subject to the availability of appropriations; and

"(B) in accordance with paragraph (2), except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and defenders, and among employing entities nationwide.

"(2) PRIORITY.—In providing repayment benefits under this section in any fiscal year, the Attorney General shall give priority to borrowers—

"(A) who, when compared to other eligible borrowers, have the least ability to repay their student loans (considering whether the borrower is the beneficiary of any other student loan repayment program), as determined by the Attorney General; or

"(B) who—

"(i) received repayment benefits under this section during the preceding fiscal year; and

"(ii) have completed less than 3 years of the first required period of service speci-

fied for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) REPORT BY INSPECTOR GENERAL.—Not later than 3 years after the date of the enactment of this section, the Inspector General of the Department of Justice shall submit to Congress a report on—

"(1) the cost of the program authorized under this section; and

"(2) the impact of such program on the hiring and retention of prosecutors and public defenders.

"(i) GAO STUDY.—Not later than one year after the date of the enactment of this section, the Comptroller General shall conduct a study of, and report to Congress on, the impact that law school accreditation requirements and other factors have on the costs of law school and student access to law school, including the impact of such requirements on racial and ethnic minorities.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2008 through 2013.".

SEC. 952. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.

(a) IN GENERAL.—The Attorney General of the United States is authorized to make grants, through the Office of Community Oriented Policing Services, to establish and operate a National Center for Campus Public Safety (referred to in this section as the ''Center''). The Center shall—

(1) provide quality education and training for campus public safety agencies and the agencies' collaborative partners, including campus mental health agencies;

(2) foster quality research to strengthen the safety and security of the institutions of higher education in the United States;

(3) serve as a clearinghouse for the identification and dissemination of information, policies, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property and emergency response and evacuation procedures;

(4) develop protocols, in conjunction with the Attorney General, the Secretary of Homeland Security, the Secretary of Education, State, local, and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to prevent, protect against,

respond to, and recover from, natural and man-made emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community;

(5) promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;

(6) coordinate campus safety information (including ways to increase off-campus housing safety) and resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;

(7) increase cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies and jurisdictions serving institutions of higher education in the United States;

(8) develop standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies; and

(9) report annually to Congress and the Attorney General on activities performed by the Center during the previous 12 months.

(b) COORDINATION WITH AVAILABLE RESOURCES.—In establishing the Center, the Attorney General shall—

(1) consult with the Secretary of Homeland Security, the Secretary of Education, and the Attorneys General of each State; and

(2) coordinate the establishment and operation of the Center with campus public safety resources that may already be available within the Department of Homeland Security and the Department of Education.

(c) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—In this section, the term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,750,000 for each of the fiscal years 2008 and 2009 and such sums as may be necessary thereafter.

(e) SENSE OF THE HOUSE OF REPRESENTATIVES.—It is the sense of the House of Representatives that in order to increase awareness of the importance of student safety in off-campus housing that is located in the areas

surrounding colleges and universities, the following should be encouraged:

(1) The creation of chapters at colleges and universities that aim to raise awareness of the issue of off-campus student safety.

(2) Public awareness on the benefits of security measures that may increase the safety of students living in off-campus housing.

(3) Collaborative partnerships between Federal agencies, local law enforcement agencies, non-profit organizations, colleges and universities, and communities to disseminate information and best practices related to off-campus housing safety for students.

SEC. 953. PRIVATE LOAN FORGIVENESS.

Notwithstanding any other provision of law—

(1) a public or private institution of higher education may provide an officer or employee of any branch of the United States Government, of any independent agency of the United States, or of the District of Columbia who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or providing forbearance of student loan repayment: *Provided*, That such repaying or providing forbearance is provided to any such officer or employee in accordance with

a written, published policy of the institution relating to repaying or providing forbearance, respectively, for students or former students who perform public service; and

(2) an officer or employee of any branch of the United States Government, of any independent agency of the United States, or of the District of Columbia may receive repayment or forbearance permitted under paragraph (1).

PART E—STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980

SEC. 961. ESTABLISHMENT OF PROGRAM.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by inserting the following after subsection (b):

''(c) MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program to assist eligible institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.

"(2) AUTHORIZED ACTIVITIES.—An eligible institution may use a grant, cooperative agreement, or contract awarded under this subsection—

"(A) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to further the objective of the Program described in paragraph (1);

"(B) to develop and provide training, education, and professional development programs, including faculty development, to increase the use of, and usefulness of, digital and wireless networking technology;

"(C) to provide teacher education, including the provision of preservice teacher training and in-service professional development at eligible institutions, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use digital and wireless networking technology in the classroom or instructional process, including instruction in science, mathematics, engineering, and technology subjects;

"(D) to obtain capacity-building technical assistance, including through remote technical support, technical assistance workshops, and distance learning services; and

"(E) to foster the use of digital and wireless networking technology to improve research and education, including scientific, mathematics, engineering, and technology instruction.

"(3) APPLICATION AND REVIEW PROCEDURES.—

"(A) IN GENERAL.—To be eligible to receive a grant, cooperative agreement, or contract under this subsection, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used, including a description of any digital and wireless networking technology to be acquired, and a description of how the institution will ensure that digital and wireless networking will be made accessible to, and employed by, students, faculty, and administrators. The Secretary, consistent with subparagraph (C) and in consulta-

tion with the advisory council established under subparagraph (B), shall establish procedures to review such applications. The Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.

"(B) ADVISORY COUNCIL.—The Secretary shall establish an advisory council to advise the Secretary on the best approaches to encourage maximum participation by eligible institutions in the program established under paragraph (1), and on the procedures to review proposals submitted to the program. In selecting the members of the advisory council, the Secretary shall consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council includes representatives of minority businesses and eligible institution communities. The Secretary shall also consult with experts in digital and wireless networking technology to ensure that such expertise is represented on the advisory council.

"(C) REVIEW PANELS.—Each application submitted under this subsection by an eligible

institution shall be reviewed by a panel of individuals selected by the Secretary to judge the quality and merit of the proposal, including the extent to which the eligible institution can effectively and successfully utilize the proposed grant, cooperative agreement, or contract to carry out the program described in paragraph (1). The Secretary shall ensure that the review panels include representatives of minority serving institutions and others who are knowledgeable about eligible institutions and technology issues. The Secretary shall ensure that no individual assigned under this subsection to review any application has a conflict of interest with regard to that application. The Secretary shall take into consideration the recommendations of the review panel in determining whether to award a grant, cooperative agreement, or contract to an eligible institution.

"(D) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of eligible institutions receiving grants, cooperative agreements, or contracts under this subsection to foster collaboration and capacity-building activities among eligible institutions.

"(E) MATCHING REQUIREMENT.—The Secretary may not award a grant, cooperative agreement, or contract to an eligible institution under this subsection unless such institution agrees that, with respect to the costs incurred by the institution in carrying out the program for which the grant, cooperative agreement, or contract was awarded, such institution shall make available, directly, or through donations from public or private entities, non-Federal contributions in an amount equal to one-quarter of the grant, cooperative agreement, or contract awarded by the Secretary, or $500,000, whichever is the lesser amount. The Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

"(F) AWARDS.—

"(i) LIMITATION.—An eligible institution that receives a grant, cooperative agreement, or contract under this subsection that exceeds $2,500,000 shall not be eligible to receive another grant, cooperative agreement, or contract.

"(ii) CONSORTIA.—Grants, cooperative agreements, and contracts may only be awarded to eligible institutions. Eligible institutions may seek funding under this subsection for consortia which may include other eligible institutions, a State or a State education agency, local education agencies, institutions of higher education, community-based organizations, national nonprofit organizations, or businesses, including minority businesses.

"(iii) PLANNING GRANTS.—The Secretary may provide funds to develop strategic plans to implement such grants, cooperative agreements, or contracts.

"(iv) INSTITUTIONAL DIVERSITY.—In awarding grants, cooperative agreements, and contracts to eligible institutions, the Secretary shall ensure, to the extent practicable, that awards are made to all types of institutions eligible for assistance under this subsection.

"(v) NEED.—In awarding funds under this subsection, the Secretary shall

give priority to the institution with the greatest demonstrated need for assistance.

"(G) ANNUAL REPORT AND EVALUATION.—

"(i) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, cooperative agreement, or contract awarded under this subsection shall provide an annual report to the Secretary on its use of the grant, cooperative agreement, or contract.

"(ii) INDEPENDENT ASSESSMENT.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall enter into a contract with the National Academy of Public Administration to conduct periodic assessments of the program. The Assessments shall be conducted once every 3 years during the 10-year period following the enactment of this subsection. The assessments shall include an evaluation of the effectiveness of the program in improving the education and training of students, faculty and staff at eligible institutions that have been awarded

grants, cooperative agreements, or contracts under the program; an evaluation of the effectiveness of the program in improving access to, and familiarity with, digital and wireless networking technology for students, faculty, and staff at all eligible institutions; an evaluation of the procedures established under paragraph (3)(A); and recommendations for improving the program, including recommendations concerning the continuing need for Federal support. In carrying out its assessments, the National Academy of Public Administration shall review the reports submitted to the Secretary under clause (i).

"(iii) REPORT TO CONGRESS.—Upon completion of each independent assessment carried out under clause (ii), the Secretary shall transmit the assessment to Congress along with a summary of the Secretary's plans, if any, to implement the recommendations of the National Academy of Public Administration.

"(H) DEFINITIONS.—In this subsection:

"(i) DIGITAL AND WIRELESS NETWORKING TECHNOLOGY.—The term 'digital and wireless networking technology' means computer and communications equipment and software that facilitates the transmission of information in a digital format.

"(ii) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that is—

"(I) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;

"(II) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

"(III) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

"(IV) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

"(V) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

"(VI) an institution of higher education (as defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k)) with an enrollment of needy students (as defined in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d))).

"(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(iv) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(v) MINORITY BUSINESS.—The term 'minority business' includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))).

"(vi) MINORITY INDIVIDUAL.—The term 'minority individual' means an American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban and Central or South American origin), or Pacific Islander individual.

"(vii) STATE.—The term 'State' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(viii) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary

Education Act of 1965 (20 U.S.C. 7801).''.

SEC. 962. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce to carry out section 5(c) of the Stevenson-Wydler Technology Innovation Act of 1980—

(1) $250,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 through 2012.

TITLE X—PRIVATE STUDENT LOAN TRANSPARENCY AND IMPROVEMENT

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Private Student Loan Transparency and Improvement Act of 2008''.

SEC. 1002. DEFINITIONS.

As used in this title—

(1) the term ''Board'' means the Board of Governors of the Federal Reserve System;

(2) the term ''covered educational institution''—

(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education); and

(B) includes an agent or employee of the educational institution;

(3) the terms ''Federal banking agencies'' and ''appropriate Federal banking agency'' have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(4) the term ''institution of higher education'' has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);

(5) the term ''postsecondary educational expenses'' means any of the expenses that are included as part of the cost of attendance of a student, as defined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll);

(6) the term ''private educational lender'' means any creditor (as defined in section 103 of the Truth in Lending Act) which solicits, makes, or extends private educational loans; and

(7) the term ''private educational loan''—

(A) means a loan provided by a private educational lender that—

(i) is not made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(ii) is issued by a private educational lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and

(B) does not include an extension of credit under an open end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction (as those terms are defined in section 103 of the Truth in Lending Act), or any other loan that is secured by real property or a dwelling.

SEC. 1003. REGULATIONS.

The Board shall issue final regulations to implement this title and the amendments made by this title not later than 180 days after the date of enactment of this title.

SEC. 1004. EFFECTIVE DATES.

This title and the amendments made by this title shall become effective 180 days after the date on which

regulations to carry out this title and the amendments made by this title are issued in final form.

Subtitle A—Preventing Unfair and Deceptive Private Educational Lending Practices and Eliminating Conflicts of Interest

SEC. 1011. AMENDMENT TO THE TRUTH IN LENDING ACT.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

"§ 140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) COVERED EDUCATIONAL INSTITUTION.—The term 'covered educational institution'—

''(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education); and

''(B) includes an agent or employee of the educational institution.

''(2) GIFT.—The term 'gift'—

"(A) means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimis amount, including a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred;

"(B) does not include—

"(i) standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training;

"(ii) food, refreshments, training, or informational material furnished to an employee or agent of a covered educational institution, as an integral part of a training session that is designed to improve the service of the private educational lender to the covered educational institution, if such training contributes to the professional development of the employee or agent of the covered educational institution;

"(iii) favorable terms, conditions, and borrower benefits on an educational loan provided to a student employed by the covered educational institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution;

"(iv) the provision of financial literacy counseling or services to students or parents, including counseling or services provided in coordination with a covered educational institution, to the extent that such counseling or services—

"(I) are not undertaken to secure applications for private educational loans or to secure private educational loan volume;

"(II) are not undertaken to secure applications or loan volume for any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965; and

"(III) do not promote the products or services of any private educational lender;

"(v) philanthropic contributions to a covered institution from a private educational lender that are unrelated to educational loans, to the extent that such contributions are disclosed pursuant to paragraphs (1) and (2) of section 153(a) of the Higher Education Act of 1965, if applicable; or

"(vi) State education grants, scholarships, or financial aid funds administered by or on behalf of a State; and

"(C) includes a gift to a family member of an officer, employee, or agent of a covered institution, or a gift to any other individual based on that individual's relationship with the officer, employee, or agent, if—

"(i) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

"(ii) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

"(3) INSTITUTION OF HIGHER EDUCATION.—the term 'institution of higher education' has the

same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

"(4) POSTSECONDARY EDUCATIONAL EXPENSE.—The term 'postsecondary educational expenses' means any of the expenses that are included as part of the cost of attendance of a student, as defined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

"(5) PRIVATE EDUCATIONAL LENDER.—The term 'private educational lender' means a creditor which solicits, makes, or extends private educational loans.

"(6) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan'—

"(A) means a loan provided by a private educational lender that—

"(i) is not made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(ii) is issued by a private educational lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification

by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and

"(B) does not include an extension of credit under an open end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction (as those terms are defined in section 103 of the Truth in Lending Act), or any other loan that is secured by real property or a dwelling.

"(7) REVENUE SHARING.—the term 'revenue sharing' means an arrangement between a covered educational institution and a private educational lender under which—

"(A) a private educational lender provides or issues private educational loans to students attending the covered educational institution or to the parents of such students;

"(B) the covered educational institution recommends to students or others the private educational lender or the private educational loans of the private educational lender; and

"(C) the private educational lender pays a fee or provides other material benefits, including profit or revenue sharing, to the covered educational institution or to the officers, employees, or agents of the covered educational institution in connection with the private educational loans provided to students attending the covered educational institution or a borrower acting on behalf of a student.

"(b) PROHIBITION ON CERTAIN GIFTS AND ARRANGEMENTS.—A private educational lender, including any officer or employee thereof, may not, directly or indirectly—

"(1) offer or provide any gift to a covered educational institution or a covered educational institution employee, nor may such covered educational institution, officer, or employee receive any such gift, in exchange for any advantage or consideration provided to such private educational lender related to its private educational loan activities; or

"(2) engage in revenue sharing with a covered educational institution.

"(c) PROHIBITION ON CO-BRANDING.—A private educational lender may not use the name, emblem, mascot, or logo of the covered educational institution, or other

words, pictures, or symbols readily identified with the covered educational institution, in the marketing of private educational loans in any way that implies that the covered educational institution endorses the private educational loans offered by the lender.

"(d) BAN ON PARTICIPATION ON ADVISORY COUNCILS.—

"(1) IN GENERAL.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to private educational loans, shall not serve on or otherwise participate with advisory councils of private educational lenders or affiliates of such lenders.

"(2) RULES OF CONSTRUCTION.—No provision of this subsection shall be construed as—

"(A) prohibiting private educational lenders from seeking advice from covered institutions or groups of covered institutions (including through telephonic or electronic means, or a meeting) in order to improve products and services for borrowers, to the extent that no gifts or compensation (including for transportation, lodging, or related expenses) are provided by private educational lenders in connec-

tion with seeking this advice from such institutions; or

"(B) prohibiting an employee, officer, or agent of a covered institution from serving on the board of directors of a private educational lender, if required by State law.

"(e) PROHIBITION ON PREPAYMENT OR REPAYMENT FEES OR PENALTY.—It shall be unlawful for any private educational lender to impose a fee or penalty on a borrower, directly or indirectly, for early repayment or prepayment, of any private educational loan.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 139 the following new item:

"140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest.".

SEC. 1012. CIVIL LIABILITY.

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting "or section 128(e)(8)" after "section 125"; and

(B) in the fourth sentence of the undesignated matter at the end—

(i) by striking ''125 or'' and inserting ''125,''; and

(ii) by inserting ''128(e)(8), or'' after ''125,''; and

(2) in subsection (e), by inserting before the first period, the following: ''or, in the case of a violation involving a private educational loan, 1 year from the date on which the first regular payment of principal is due under the loan''.

Subtitle B—Improved Disclosures for Private Educational Loans

SEC. 1021. PRIVATE EDUCATIONAL LOAN DISCLOSURES AND LIMITATIONS.

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following new subsection:

''(e) TERMS AND DISCLOSURE WITH RESPECT TO PRIVATE EDUCATIONAL LOANS.—

''(1) DISCLOSURES REQUIRED IN PRIVATE EDUCATIONAL LOAN APPLICATIONS AND SOLICITATIONS.—In any application for a private educational loan, or a solicitation for a private educational loan without requiring an application, the creditor shall disclose to the borrower, clearly and conspicuously—

"(A) the potential range of rates of interest applicable to the private educational loan;

"(B) whether the rate of interest applicable to the private educational loan is fixed or variable;

"(C) limitations on interest rate adjustments, both in terms of frequency and amount, or the lack thereof;

"(D) requirements for a co-borrower, including any changes in the applicable interest rates without a co-borrower;

"(E) potential finance charges, late fees, penalties, and adjustments to principal, based on defaults or late payments of the borrower;

"(F) fees or range of fees applicable to the private educational loan;

"(G) the term of the private educational loan;

"(H) whether interest will accrue while the student to whom the private educational loan relates is enrolled at an institution of higher education;

"(I) payment deferral options, including whether the deferment would apply to interest or principal, or both;

"(J) general eligibility criteria for the private educational loan;

"(K) an example of the total cost of the private educational loan over the life of the loan—

"(i) which shall be calculated using the principal amount and the maximum rate of interest actually offered by the creditor; and

"(ii) calculated both with and without capitalization of interest, if that is an option for postponing interest payments;

"(L) a statement that an institution of higher education may have school-specific educational loan benefits and terms not detailed on the disclosure form;

"(M) that the borrower may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965, in lieu of, or in addition to, a loan from a non-Federal source;

"(N) the interest rates available with respect to such Federal financial assistance through a program under title IV of the Higher Education Act of 1965;

"(O) that the consumer may obtain additional information concerning such Federal financial assistance from their institution of higher education or at the website of the Department of Education;

"(P) that, as provided in paragraph (6)—

"(i) the borrower shall have up to 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under this subsection for the loan to accept the terms of the private educational loan and consummate the transaction; and

"(ii) except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor during that 30-day period; and

"(Q) such other information as the Board shall prescribe, by rule, as necessary or appropriate for consumers to make informed borrowing decisions.

"(2) WRITTEN ACKNOWLEDGMENT OF RECEIPT.—In each case in which a disclosure is pro-

1 vided pursuant to paragraph (1) and an application
2 initiated, a creditor shall obtain a written acknowl-
3 edgment from the consumer that the consumer has
4 read and understood the disclosure. The form of
5 such written acknowledgment shall be subject to the
6 regulations of the Board.

7 ''(3) DISCLOSURES AT THE TIME OF PRIVATE
8 EDUCATIONAL LOAN APPROVAL.—Subject to the
9 rules of the Board, contemporaneously with the ap-
10 proval of a private educational loan application, and
11 before the loan transaction is consummated, the
12 creditor shall disclose to the borrower, clearly and
13 conspicuously—

14 ''(A) the applicable rate of interest in ef-
15 fect on the date of approval;

16 ''(B) whether the rate of interest applica-
17 ble to the private educational loan is fixed or
18 variable;

19 ''(C) limitations on interest rate adjust-
20 ments, both in terms of frequency and amount,
21 or the lack thereof;

22 ''(D) the initial approved principal amount;

23 ''(E) applicable finance charges, late fees,
24 penalties, and adjustments to principal, based
25 upon borrower defaults or late payments;

"(F) the maximum term under the private educational loan program;

"(G) an estimate of the total amount for repayment, at both the interest rate in effect on the date of approval and at the maximum possible rate of interest actually offered by the creditor, to the extent that such maximum rate may be determined, or if not, a good faith estimate thereof;

"(H) any principal and interest payments required while the student to whom the private educational loan relates is enrolled at an institution of higher education and interest which will accrue during such enrollment;

"(I) payment deferral options, including whether the deferment would apply to interest or principal, or both;

"(J) whether monthly payments are graduated;

"(K) that, as provided in paragraph (7)—

"(i) the borrower shall have up to 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under

this subsection for the loan to accept the terms of the private educational loan and consummate the transaction; and

"(ii) except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor during that 30-day period;

"(L) that the borrower may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965, in lieu of, or in addition to, a loan from a non-Federal source;

"(M) the interest rates available with respect to such Federal financial assistance through a program under title IV of the Higher Education Act of 1965;

"(N) the maximum monthly payment, calculated using the maximum rate of interest actually offered by the creditor, to the extent that such maximum rate may be determined, or if not, a good faith estimate thereof; and

"(O) such other information as the Board shall prescribe, by rule, as necessary or appro-

priate for consumers to make informed borrowing decisions.

"(4) INSTITUTIONAL CERTIFICATION REQUIRED.—Before a creditor may issue any funds with respect to an extension of credit described in paragraph (1), the creditor shall obtain from the relevant institution of higher education such institution's certification of—

"(A) the enrollment status of the borrower;

"(B) the borrower's cost of attendance at the institution as determined by the institution under part F of title IV of the Higher Education Act of 1965; and

"(C) the difference between the borrower's cost of attendance and the borrower's estimated financial assistance received under title IV of the Higher Education Act of 1965 and other assistance known to the institution.

"(5) DISCLOSURES AT THE TIME OF PRIVATE EDUCATIONAL LOAN CONSUMMATION.—Subject to the regulations prescribed by the Board, contemporaneously with the consummation of a private educational loan, the creditor shall make each of the disclosures described in subparagraphs (A) through

(J) and (L) through (O) of paragraph (3) to the borrower.

"(6) FORMAT OF DISCLOSURES.—Disclosures required under paragraphs (1), (3), and (5) shall appear in a clearly legible, uniform format, subject to section 122(c).

"(7) EFFECTIVE PERIOD OF APPROVED RATE OF INTEREST AND LOAN TERMS.—

"(A) IN GENERAL.—With respect to a private educational loan, the borrower shall have the right to accept the terms of the loan and consummate the transaction at any time within 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under this subsection for the loan, and the rates and terms of the loan may not be changed by the creditor during that period, subject to the rules of the Board.

"(B) PROHIBITION ON CHANGES.—Except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor prior to the earlier of—

"(i) the date of acceptance of the terms of the loan and consummation of the transaction by the borrower, as described in subparagraph (A); or

"(ii) the expiration of the 30-day period referred to in subparagraph (A).

"(C) PROHIBITION ON DISBURSEMENT.—No funds may be disbursed with respect to a private educational loan until acceptance of the loan by the borrower under subparagraph (A) and the expiration of the 3-day period under paragraph (7).

"(8) RIGHT TO CANCEL.—With respect to a private educational loan, the borrower may cancel the loan, without penalty to the borrower, at any time within 3 business days of the date on which the loan is consummated, subject to the rules of the Board. No funds may be transferred to the borrower during that 3-day period.

"(9) PROVISION OF INFORMATION.—On or before the date a creditor issues any funds with respect to an extension of credit described in paragraph (1), the creditor shall notify the relevant institution of higher education, in writing, of the amount of the extension of credit and the student on whose

behalf credit is extended. The form of such written notification shall be subject to the regulations of the Board.

"(10) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

"(B) PRIVATE EDUCATIONAL LENDER.—The term 'private educational lender' means any creditor engaged in the business of soliciting, making, or extending private educational loans.

"(C) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan'—

"(i) means a loan provided by a private educational lender that—

"(I) is not made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(II) is issued by a private educational lender expressly for postsec-

ondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and

''(ii) does not include an extension of credit under an open end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction (as those terms are defined in section 103 this Act), or any other loan that is secured by real property or a dwelling.''.

SEC. 1022. APPLICATION OF TRUTH IN LENDING ACT TO ALL PRIVATE EDUCATIONAL LOANS.

Section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(3)) is amended by inserting ''and other than private educational loans (as that term is defined in section 140(a))'' after ''consumer''.

Subtitle C—Financial Literacy

SEC. 1031. COORDINATED EDUCATION EFFORTS.

(a) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the ''Secretary''), in coordination with the Secretary of Education, the Secretary of Agriculture (with respect to land grant covered educational institutions), and any other appropriate agency that is a member of the Financial Literacy and Education Commission established under the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.), shall seek to enhance financial literacy among students at institutions of higher education through—

(1) the development of initiatives, programs, and curricula that improve student awareness of the short- and long-term costs associated with educational loans and other debt assumed while in college, their repayment obligations, and their rights as borrowers; and

(2) assisting such students in navigating the financial aid process.

(b) DUTIES.—For purposes of this section, the Secretary, working in conjunction with the Secretary of Education, the Secretary of Agriculture, and the Financial Literacy and Education Commission, shall—

(1) identify programs that promote or enhance financial literacy for college students, with specific emphasis on programs that impart the knowledge and ability for students to best navigate the financial aid process, including those that involve partnerships between nonprofit organizations, colleges and universities, State and local governments, and student organizations;

(2) evaluate the effectiveness of such programs in terms of measured results, including positive behavioral change among college students;

(3) promote the programs identified as being the most effective; and

(4) encourage institutions of higher education to implement financial education programs for their students, including those that have the highest evaluations.

(c) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Financial Literacy and Education Commission shall submit a report to Congress on the state of financial education among students at institutions of higher education.

(2) CONTENT.—The report required by this subsection shall include a description of progress

made in enhancing financial education with respect to student understanding of financial aid, including the programs and evaluations required by this section.

(3) APPEARANCE BEFORE CONGRESS.—The Secretary shall, upon request, provide testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate concerning the report required by this subsection.

Subtitle D—Study and Report on Nonindividual Information

SEC. 1041. STUDY AND REPORT ON NONINDIVIDUAL INFORMATION.

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the ''Comptroller'') conduct a study—

(1) on the impact on and benefits to borrowers of the inclusion of nonindividual factors, including cohort default rate, accreditation, and graduation rate at institutions of higher education, used in the underwriting criteria to determine the pricing of private educational loans;

(2) to examine whether and to what extent the inclusion of such nonindividual factors—

(A) increases access to private educational loans for borrowers who lack credit history or results in less favorable rates for such borrowers; and

(B) impacts the types of private educational loan products and rates available at certain institutions of higher education, including a comparison of such impact—

(i) on private and public institutions; and

(ii) on historically Black colleges and universities (defined for purposes of this section as a ''part B institution'', within the meaning of section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and other colleges and universities; and

(3) to assess the extent to which the use of such nonindividual factors in underwriting may have a disparate impact on the pricing of private educational loans, based on gender, race, income level, and institution of higher education.

(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Comptroller shall submit a report to Congress on the results of the study required by this section.

Subtitle E—Incentives For Low-Cost Educational Loans

SEC. 1051. CRA CREDIT FOR LOW-COST EDUCATIONAL LOANS.

Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection:

''(d) LOW-COST EDUCATIONAL LOANS.—In assessing and taking into account, under subsection (a), the record of a financial institution, the appropriate Federal financial supervisory agency shall consider, as a factor, low-cost educational loans provided by the financial institution to low-income borrowers.''.

Passed the House of Representatives February 7, 2008.

Attest:

Clerk.

110th CONGRESS
2d Session

H. R. 4137

AN ACT

To amend and extend the Higher Education Act of 1965, and for other purposes.