

# Union Calendar No. 305

110TH CONGRESS  
1ST SESSION

# H. R. 4137

**[Report No. 110–500, Part 1]**

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

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 2007

Mr. GEORGE MILLER of California (for himself and Mr. HINOJOSA) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on the Judiciary, Science and Technology, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 19, 2007

Additional sponsors: Mr. SARBANES, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Mr. HARE, Ms. HIRONO, Mr. TIERNEY, Mr. PAYNE, Mr. COURTNEY, Mrs. DAVIS of California, Mr. YARMUTH, Mr. WU, Ms. SHEA-PORTER, Mr. SCOTT of Virginia, Ms. WOOLSEY, Ms. CLARKE, Mr. BISHOP of New York, Mr. VAN HOLLEN, Mr. ALTMIRE, Mr. ENGEL, Mr. COHEN, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, Mr. KILDEE, Mr. HONDA, Mr. LOEBSACK, Mr. SHERMAN, Mrs. NAPOLITANO, and Mr. CROWLEY

DECEMBER 19, 2007

Reported from the Committee on Education and Labor with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 19, 2007

Committees on the Judiciary, Science and Technology, and Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

4 (a) *SHORT TITLE.—This Act may be cited as the “Col-*  
5 *lege Opportunity and Affordability Act of 2007”.*

6 (b) *TABLE OF CONTENTS.—*

*Sec. 1. Short title; table of contents.*

*Sec. 2. References; Effective date.*

## TITLE I—TITLE I AMENDMENTS

*Sec. 101. Definitions of institution of higher education.*

*Sec. 102. Additional definitions.*

*Sec. 103. Treatment of territories and territorial student assistance.*

*Sec. 104. National Advisory Committee on Institutional Quality and Integrity.*

*“Sec. 114. National Advisory Committee on Institutional Quality and Integrity.*

*Sec. 105. Drug and alcohol abuse prevention.*

*Sec. 106. Prior rights and obligations.*

*Sec. 107. Improved information concerning the Federal student financial aid website.*

*Sec. 108. State commitment to affordable college education.*

*“Sec. 132. State commitment to affordable college education.*

*Sec. 109. Transparency in college tuition for consumers.*

*“Sec. 133. Transparency in college tuition for consumers.*

*Sec. 110. Textbook information.*

*“Sec. 134. Textbook information.*

*Sec. 111. Database of student information prohibited.*

*“Sec. 135. Database of student information prohibited.*

*Sec. 112. Institution and lender reporting and disclosure requirements.*

## *“PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS*

*“Sec. 151. Definitions.*

*“Sec. 152. Requirements for lenders and institutions participating in preferred lender arrangements.*

*“Sec. 153. Interest rate report for institutions and lenders participating in preferred lender arrangements.*

*“Sec. 154. Private educational loan disclosure requirements for covered institutions.*

*“Sec. 155. Integrity provisions.*

*“Sec. 156. Compliance and enforcement.*

*“Sec. 157. Student loan counseling.*

*Sec. 113. Feasibility study for national electronic student loan marketplace.*

## *TITLE II—TITLE II REVISION*

*Sec. 201. Revision of title II.*

### *“TITLE II—TEACHER QUALITY ENHANCEMENT*

*“Sec. 200. Definitions.*

*“Sec. 200A. Rule of Construction.*

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*“Sec. 201. Purposes; Definitions.*

*“Sec. 202. Partnership grants.*

*“Sec. 203. Administrative provisions.*

*“Sec. 204. Accountability and evaluation.*

*“Sec. 205. Accountability for programs that prepare teachers.*

*“Sec. 206. Teacher development.*

*“Sec. 207. State functions.*

*“Sec. 208. General provisions.*

*“Sec. 209. Authorization of appropriations.*

#### *“PART B—PREPARING TEACHERS FOR DIGITAL AGE LEARNERS*

*“Sec. 221. Program authorized.*

*“Sec. 222. Uses of Funds.*

*“Sec. 223. Application requirements.*

*“Sec. 224. Evaluation.*

*“Sec. 225. Authorization of appropriations.*

#### *“PART C—ENHANCING TEACHER EDUCATION*

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#### *“SUBPART 1—RECRUITING TEACHERS WITH MATH, SCIENCE, OR LANGUAGE MAJORS*

*“Sec. 241. Program authorized.*

#### *“SUBPART 2—COMMUNITY COLLEGES AS PARTNERS IN TEACHER EDUCATION GRANTS*

*“Sec. 251. Grants to community colleges.*

*“Sec. 252. Definitions.*

#### *“SUBPART 3—HONORABLE AUGUSTUS F. HAWKINS CENTERS OF EXCELLENCE*

*“Sec. 261. Definitions.*

*“Sec. 262. Augustus F. Hawkins Centers of excellence.*

“SUBPART 4—TEACH FOR AMERICA

“Sec. 271. *Teach for America.*

“SUBPART 5—EARLY CHILDHOOD EDUCATION PROFESSIONAL DEVELOPMENT AND  
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“Sec. 281. *Purpose.*

“Sec. 282. *Definition of early childhood education program.*

“Sec. 283. *Grants authorized.*

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“Sec. 319. *Asian American and Native American Pacific Islander-serving institutions.*

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“Sec. 415E. *Grants for access and persistence.*

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     *“Sec. 494. Campus-based digital theft prevention.*

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     *“Sec. 497. Accreditation Ombudsman.*  
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*“TITLE VIII—ADDITIONAL PROGRAMS*

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*Sec. 1011. Amendment to the Truth in Lending Act.*

*“ 140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest.*

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*Subtitle B—Improved Disclosures for Private Educational Loans*

*Sec. 1021. Private educational loan disclosures and limitations.*

*Sec. 1022. Application of Truth in Lending Act to all private educational loans.*

*Subtitle C—Financial Literacy*

*Sec. 1031. Coordinated education efforts.*

*Subtitle D—Study and Report on Nonindividual Information*

*Sec. 1041. Study and report on nonindividual information.*

*Subtitle E—Incentives For Low-Cost Educational Loans**Sec. 1051. CRA credit for low-cost educational loans.***1 SEC. 2. REFERENCES; EFFECTIVE DATE.**

2 (a) *REFERENCES.*—*Except as otherwise expressly pro-*  
 3 *vided therein, whenever in this Act an amendment or repeal*  
 4 *is expressed in terms of an amendment to, or repeal of, a*  
 5 *section or other provision, the reference shall be considered*  
 6 *to be made to a section or other provision of the Higher*  
 7 *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 amend-*  
 10 *ments made by this Act shall be effective on the date of en-*  
 11 *actment of this Act.*

**12 TITLE I—TITLE I AMENDMENTS**

13 **SEC. 101. DEFINITIONS OF INSTITUTION OF HIGHER EDU-**  
 14 **CATION.**

15 (a) *DEGREE PROGRAMS.*—*Section 101 (20 U.S.C.*  
 16 *1001) is amended—*

17 (1) *in subsection (a)(3), by inserting “, or*  
 18 *awards a degree that is acceptable for admission to*  
 19 *a graduate or professional degree program, subject to*  
 20 *review and approval by the Secretary” after “such a*  
 21 *degree”; and*

22 (2) *by striking subsection (b)(2) and inserting*  
 23 *the following:*

1           “(2) a public or nonprofit private educational  
 2           institution in any State that, in lieu of the require-  
 3           ment in subsection (a)(1), admits as regular students  
 4           persons—

5                   “(A) who are beyond the age of compulsory  
 6           school attendance in the State in which the insti-  
 7           tution is located; or

8                   “(B) who will be dually or concurrently en-  
 9           rolled in the institution and a secondary  
 10          school.”.

11          (b) *INTERNATIONAL MEDICAL SCHOOLS*.—Section  
 12   102(a)(2)(A) (20 U.S.C. 1002(a)(2)(A)) is amended—

13           (1) in the first sentence, by inserting “nursing  
 14          school,” after “graduate medical school,”;

15           (2) in clause (i)—

16                   (A) by striking “or” at the end of subclause  
 17           (I); and

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

20                           “(II) the institution has or had a  
 21                           clinical training program that was ap-  
 22                           proved by a State as of January 1,  
 23                           1992, and continues to operate a clin-  
 24                           ical training program in at least one

1                   *State, which is approved by that State;*

2                   *or*

3                   *“(III) the institution—*

4                             *“(aa) has a clinical training*  
5                             *program that was approved by a*  
6                             *State before January 1, 2008;*

7                             *“(bb) certifies only unsub-*  
8                             *sidized Stafford or PLUS loans*  
9                             *under part B of title IV to grad-*  
10                            *uate and professional students at-*  
11                            *tending the institution; and*

12                            *“(cc) agrees to reimburse the*  
13                            *Secretary for the cost of any loan*  
14                            *defaults for students included in*  
15                            *the institution’s cohort default*  
16                            *rate during the previous fiscal*  
17                            *year; or”;* and

18                   *(3) by striking the period at the end of clause*  
19                   *(ii) and inserting “; or”;* and

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

22                            *“(iii) in the case of a nursing school*  
23                            *located outside of the United States, the in-*  
24                            *stitution—*

1                   “(I) has agreements with hospitals  
 2                   and eligible nursing schools located in  
 3                   the United States that include provi-  
 4                   sions for students to complete their  
 5                   clinical training at such hospitals and  
 6                   eligible nursing schools;

7                   “(II) certifies only unsubsidized  
 8                   Stafford and PLUS loans under part  
 9                   B of title IV for students attending the  
 10                  institution; and

11                  “(III) agrees to reimburse the Sec-  
 12                  retary for the cost of any loan defaults  
 13                  to the extent that the institution’s co-  
 14                  hort default rate exceeds 5 percent.”.

15           (c) CONFORMING AMENDMENT CONCERNING 90/10 EN-  
 16   FORCEMENT.—Section 102(b)(1) (20 U.S.C. 1002(b)(1)) is  
 17   amended—

18                   (1) by adding “and” after the semicolon in sub-  
 19                  paragraph (D);

20                   (2) by striking “; and” and inserting a period  
 21                  in subparagraph (E); and

22                   (3) by striking subparagraph (F).

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

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

3           “(2) *ADDITIONAL INSTITUTIONS.—The term ‘pro-*  
 4           *prietary institution of higher education’ also includes*  
 5           *a proprietary educational institution in any State*  
 6           *that, in lieu of the requirement in section 101(a)(1),*  
 7           *admits as regular students individuals—*

8                     *“(A) who are beyond the age of compulsory*  
 9                     *school attendance in the State in which the insti-*  
 10                    *tution is located; or*

11                    *“(B) who will be dually or concurrently en-*  
 12                    *rolled in the institution and a secondary*  
 13                    *school.”; and*

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

16           “(2) *ADDITIONAL INSTITUTIONS.—The term*  
 17           *‘postsecondary vocational institution’ also includes an*  
 18           *educational institution in any State that, in lieu of*  
 19           *the requirement in section 101(a)(1), admits as reg-*  
 20           *ular students individuals—*

21                     *“(A) who are beyond the age of compulsory*  
 22                     *school attendance in the State in which the insti-*  
 23                    *tution is located; or*



1                   “(B) *who will be dually or concurrently en-*  
 2                   *rolled in the institution and a secondary*  
 3                   *school.*”.

4 **SEC. 102. ADDITIONAL DEFINITIONS.**

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

7                   (1) *by adding at the end the following new para-*  
 8                   *graphs:*

9                   “(17) *AUTHORIZING COMMITTEES.*—The term  
 10                   ‘*authorizing committees*’ means the Committee on  
 11                   *Health, Education, Labor, and Pensions of the Senate*  
 12                   *and the Committee on Education and Labor of the*  
 13                   *House of Representatives.*

14                   “(18) *CRITICAL FOREIGN LANGUAGE.*—Except as  
 15                   *otherwise provided, the term ‘critical foreign lan-*  
 16                   *guage’ means each of the languages contained in the*  
 17                   *list of critical languages designated by the Secretary*  
 18                   *in the Federal Register on August 2, 1985 (50 Fed.*  
 19                   *Reg. 149, 31412; promulgated under the authority of*  
 20                   *section 212(d) of the Education for Economic Secu-*  
 21                   *rity Act (repealed by section 2303 of the Augustus F.*  
 22                   *Hawkins-Robert T. Stafford Elementary and Sec-*  
 23                   *ondary School Improvement Amendments of 1988)),*  
 24                   *except that in the implementation of this definition*  
 25                   *with respect to a specific title, the Secretary may set*

1 *priorities according to the purposes of such title and*  
2 *the national security, economic competitiveness, and*  
3 *educational needs of the United States.*

4 “(19) *DISTANCE EDUCATION.*—

5 “(A) *IN GENERAL.*—*Except as otherwise*  
6 *provided, the term ‘distance education’ means*  
7 *education that uses 1 or more of the technologies*  
8 *described in subparagraph (B)—*

9 “(i) *to deliver instruction to students*  
10 *who are separated from the instructor; and*

11 “(ii) *to support regular and sub-*  
12 *stantive interaction between the students*  
13 *and the instructor, synchronously or asyn-*  
14 *chronously.*

15 “(B) *INCLUSIONS.*—*For the purposes of sub-*  
16 *paragraph (A), the technologies used may in-*  
17 *clude—*

18 “(i) *the Internet;*

19 “(ii) *one-way and two-way trans-*  
20 *missions through open broadcast, closed cir-*  
21 *cuit, cable, microwave, broadband lines,*  
22 *fiber optics, satellite, or wireless commu-*  
23 *nications devices;*

24 “(iii) *audio conferencing; or*

1                   “(iv) video cassette, DVDs, and CD-  
2                   ROMs, if the cassette, DVDs, and CD-  
3                   ROMs are used in a course in conjunction  
4                   with the technologies listed in clauses (i)  
5                   through (iii).

6                   “(20) *HIGH-NEED SCHOOL*.—*Except with respect*  
7                   *to title II, the term ‘high-need school’ means a public*  
8                   *or nonprofit private elementary or secondary school*  
9                   *which is in a local educational agency which is eligi-*  
10                  *ble for assistance pursuant to title I of the Elemen-*  
11                  *tary and Secondary Education Act of 1965 in the ap-*  
12                  *plicable fiscal year, and which for the purpose of this*  
13                  *paragraph and for that year was determined by the*  
14                  *Secretary (pursuant to regulations and after consulta-*  
15                  *tion with the State educational agency of the State in*  
16                  *which the school is located) to be a school in which*  
17                  *the enrollment of children counted under section*  
18                  *1113(a)(5) of the Elementary and Secondary Edu-*  
19                  *cation Act of 1965 exceeds 30 percent of the total en-*  
20                  *rollment of that school.*

21                  “(21) *LIMITED ENGLISH PROFICIENT*.—*The term*  
22                  *‘limited English proficient’ has the meaning given*  
23                  *such term in section 9101 of the Elementary and Sec-*  
24                  *ondary Education Act of 1965.*

1           “(22) *UNIVERSAL DESIGN.*—*The term ‘universal*  
 2           *design’ means a concept or philosophy for designing*  
 3           *and delivering products and services that are usable*  
 4           *by people with the widest possible range of functional*  
 5           *capabilities, which include products and services that*  
 6           *are directly accessible (without requiring assistive*  
 7           *technologies) and products and services that are inter-*  
 8           *operable with assistive technologies.*

9           “(23) *UNIVERSAL DESIGN FOR LEARNING.*—*The*  
 10          *term ‘universal design for learning’ means a research-*  
 11          *based framework for designing curriculum (including*  
 12          *goals, methods, materials, and assessments) that—*

13               “(A) *provides curricular flexibility in the*  
 14               *ways information is presented, in the ways stu-*  
 15               *dents respond or demonstrate knowledge, and in*  
 16               *the ways students are engaged; and*

17               “(B) *reduces barriers in instruction and as-*  
 18               *essment, provides appropriate supports and*  
 19               *challenges, and maintains high achievement*  
 20               *standards for all students, including students*  
 21               *with disabilities.”; and*

22               (2) *by reordering paragraphs (1) through (16)*  
 23               *and the paragraphs added by paragraph (1) of this*  
 24               *subsection in alphabetical order based on the headings*

1       of such paragraphs, and renumbering such para-  
2       graphs as so reordered.

3       (b) *CONFORMING AMENDMENTS.*—*The Act (20 U.S.C.*  
4       *1001 et seq.) is amended—*

5               (1)   *in section 131(a)(3)(B) (20 U.S.C.*  
6       *1015(a)(3)(B)), by striking “Committee on Labor and*  
7       *Human Resources of the Senate and the Committee*  
8       *on Education and the Workforce of the House of Rep-*  
9       *resentatives” and inserting “authorizing committees”;*

10              (2)   *in section 141(d)(4)(B) (20 U.S.C.*  
11       *1018(d)(4)(B)), by striking “Committee on Education*  
12       *and the Workforce of the House of Representatives*  
13       *and the Committee on Labor and Human Resources*  
14       *of the Senate” and inserting “authorizing commit-*  
15       *tees”;*

16              (3)   *in section 401(f)(3) (20 U.S.C. 1070a(f)(3)),*  
17       *by striking “to the Committee on Appropriations”*  
18       *and all that follows through “House of Representa-*  
19       *tives” and inserting “to the Committee on Appropria-*  
20       *tions of the Senate, the Committee on Appropriations*  
21       *of the House of Representatives, and the authorizing*  
22       *committees”;*

23              (4)   *in section 428 (20 U.S.C. 1078)—*

24                      (A)   *in subsection (c)(9)(K), by striking*  
25       *“House Committee on Education and the Work-*

1        *force and the Senate Committee on Labor and*  
2        *Human Resources” and inserting “authorizing*  
3        *committees”;*

4                *(B) in the matter following paragraph (2)*  
5        *of subsection (g), by striking “Committee on*  
6        *Labor and Human Resources of the Senate and*  
7        *the Committee on Education and the Workforce*  
8        *of the House of Representatives” and inserting*  
9        *“authorizing committees”; and*

10               *(C) in subsection (n)(4), by striking “Com-*  
11        *mittee on Education and the Workforce of the*  
12        *House of Representatives and the Committee on*  
13        *Labor and Human Resources of the Senate” and*  
14        *inserting “authorizing committees”;*

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

16               *(A) in the matter preceding subparagraph*  
17        *(A) of paragraph (2), by striking “Chairperson”*  
18        *and all that follows through “House of Rep-*  
19        *resentatives” and inserting “members of the au-*  
20        *thorizing committees”;*

21               *(B) in paragraph (3), by striking “Chair-*  
22        *person” and all that follows through “House of*  
23        *Representatives” and inserting “members of the*  
24        *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 “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”;

(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

1 through “House of Representatives” and insert-  
2 ing “advise the members of the authorizing com-  
3 mittees”;

4 (B) in subsection (r)—

5 (i) in paragraph (3), by striking “in-  
6 form the Chairman” and all that follows  
7 through “House of Representatives,” and in-  
8 serting “inform the members of the author-  
9 izing committees”;

10 (ii) in paragraph (5)(B), by striking  
11 “plan, to the Chairman” and all that fol-  
12 lows through “Education and Labor” and  
13 inserting “plan, to the members of the au-  
14 thorizing committees”;

15 (iii) in paragraph (6)(B)—

16 (I) by striking “plan, to the  
17 Chairman” and all that follows  
18 through “House of Representatives”  
19 and inserting “plan, to the members of  
20 the authorizing committees”; and

21 (II) by striking “Chairmen and  
22 ranking minority members of such  
23 Committees” and inserting “members  
24 of the authorizing committees”;



1           (iv) in paragraph (8)(C), by striking  
2           “implemented to the Chairman” and all  
3           that follows through “House of Representa-  
4           tives, and” and inserting “implemented to  
5           the members of the authorizing committees,  
6           and to”; and

7           (v) in the matter preceding subpara-  
8           graph (A) of paragraph (10), by striking  
9           “days to the Chairman” and all that follows  
10          through “Education and Labor” and insert-  
11          ing “days to the members of the authorizing  
12          committees”; and

13         (C) in subsection (s)(2)—

14                 (i) in the matter preceding clause (i) of  
15                 subparagraph (A), by striking “Treasury  
16                 and to the Chairman” and all that follows  
17                 through “House of Representatives” and in-  
18                 serting “Treasury and to the members of the  
19                 authorizing committees”; and

20                 (ii) in subparagraph (B), by striking  
21                 “Treasury and to the Chairman” and all  
22                 that follows through “House of Representa-  
23                 tives” and inserting “Treasury and to the  
24                 members of the authorizing committees”;

1           (9) in section 455(b)(8)(B) (20 U.S.C.  
2       1087e(b)(8)(B)), by striking “Committee on Labor  
3       and Human Resources of the Senate and the Com-  
4       mittee on Education and the Workforce of the House  
5       of Representatives” and inserting “authorizing com-  
6       mittees”;

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

12          (11) in section 483(c) (20 U.S.C. 1090(c)), by  
13      striking “Committee on Labor and Human Resources  
14      of the Senate and the Committee on Education and  
15      the Workforce of the House of Representatives” and  
16      inserting “authorizing committees”;

17          (12) in section 485 (20 U.S.C. 1092)—

18               (A) in subsection (f)(5)(A), by striking  
19               “Committee on Education and the Workforce of  
20               the House of Representatives and the Committee  
21               on Labor and Human Resources of the Senate”  
22               and inserting “authorizing committees”; and

23               (B) in subsection (g)(4)(B), by striking  
24               “Committee on Education and the Workforce of  
25               the House of Representatives and the Committee

1           *on Labor and Human Resources of the Senate”*  
2           *and inserting “authorizing committees”;*  
3           *(13) in section 486 (20 U.S.C. 1093)—*

4                     *(A) in subsection (e), by striking “Com-*  
5                     *mittee on Labor and Human Resources of the*  
6                     *Senate and the Committee on Education and the*  
7                     *Workforce of the House of Representatives” and*  
8                     *inserting “authorizing committees”; and*

9                     *(B) in subsection (f)(3)—*

10                       *(i) in the matter preceding clause (i) of*  
11                       *subparagraph (A), by striking “Committee*  
12                       *on Labor and Human Resources of the Sen-*  
13                       *ate and the Committee on Education and*  
14                       *the Workforce of the House of Representa-*  
15                       *tives” and inserting “authorizing commit-*  
16                       *tees”; and*

17                       *(ii) in the matter preceding clause (i)*  
18                       *of subparagraph (B), by striking “Com-*  
19                       *mittee on Labor and Human Resources of*  
20                       *the Senate and the Committee on Education*  
21                       *and the Workforce of the House of Rep-*  
22                       *resentatives” and inserting “authorizing*  
23                       *committees”;*

24                     *(14) in section 487A(a)(5) (20 U.S.C.*  
25                     *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*

1           (3) *by striking subsection (b).*

2   **SEC. 104. NATIONAL ADVISORY COMMITTEE ON INSTITU-**  
 3                   **TIONAL QUALITY AND INTEGRITY.**

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

6   **“SEC. 114. NATIONAL ADVISORY COMMITTEE ON INSTITU-**  
 7                   **TIONAL QUALITY AND INTEGRITY.**

8           “(a) *ESTABLISHMENT.—There is established in the De-*  
 9   *partment a National Advisory Committee on Institutional*  
 10   *Quality and Integrity (in this section referred to as the*  
 11   *‘Committee’) to assess the process of accreditation and the*  
 12   *institutional eligibility and certification of such institu-*  
 13   *tions under title IV.*

14          “(b) *MEMBERSHIP.—*

15               “(1) *IN GENERAL.—The Committee shall have 18*  
 16   *members, of which—*

17                   “(A) *6 members shall be appointed by the*  
 18               *Secretary;*

19                   “(B) *6 members shall be appointed by the*  
 20               *Speaker of the House of Representatives, 3 mem-*  
 21               *bers on the recommendation of the majority lead-*  
 22               *er of the House of Representatives, and 3 mem-*  
 23               *bers on the recommendation of the minority lead-*  
 24               *er of the House of Representatives; and*

1           “(C) 6 members shall be appointed by the  
2           President pro tempore of the Senate, 3 members  
3           on the recommendation of the majority leader of  
4           the Senate, and 3 members on the recommenda-  
5           tion of the minority leader of the Senate.

6           “(2) *QUALIFICATIONS.*—Individuals shall be ap-  
7           pointed as members of the Committee—

8           “(A) on the basis of the individuals’ experi-  
9           ence, integrity, impartiality, and good judgment;

10          “(B) from among individuals who are rep-  
11          resentatives of, or knowledgeable concerning, edu-  
12          cation and training beyond secondary education,  
13          representing all sectors and types of institutions  
14          of higher education (as defined in section 102);  
15          and

16          “(C) on the basis of the individuals’ tech-  
17          nical qualifications, professional standing, and  
18          demonstrated knowledge in the fields of accredi-  
19          tation and administration in higher education.

20          “(3) *TERMS OF MEMBERS.*—Except as provided  
21          in paragraph (5), the term of office of each member  
22          of the Committee shall be for 6 years, except that any  
23          member appointed to fill a vacancy occurring prior  
24          to the expiration of the term for which the member’s

1 predecessor was appointed shall be appointed for the  
2 remainder of such term.

3 “(4) VACANCY.—A vacancy on the Committee  
4 shall be filled in the same manner as the original ap-  
5 pointment was made not later than 90 days after the  
6 vacancy occurs. If a vacancy occurs in a position to  
7 be filled by the Secretary, the Secretary shall publish  
8 a Federal Register notice soliciting nominations for  
9 the position not later than 30 days after being noti-  
10 fied of the vacancy.

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

13 “(A) 3 years for members appointed under  
14 paragraph (1)(A);

15 “(B) 4 years for members appointed under  
16 paragraph (1)(B); and

17 “(C) 6 years for members appointed under  
18 paragraph (1)(C).

19 “(6) CHAIRPERSON.—The members of the Com-  
20 mittee shall select a chairperson from among the  
21 members.

22 “(c) FUNCTIONS.—The Committee shall—

23 “(1) advise the Secretary with respect to estab-  
24 lishment and enforcement of the standards of accred-

1     *iting agencies or associations under subpart 2 of part*  
2     *H of title IV;*

3             *“(2) advise the Secretary with respect to the rec-*  
4     *ognition of a specific accrediting agency or associa-*  
5     *tion;*

6             *“(3) advise the Secretary with respect to the*  
7     *preparation and publication of the list of nationally*  
8     *recognized accrediting agencies and associations;*

9             *“(4) advise the Secretary with respect to the eli-*  
10    *gibility and certification process for institutions of*  
11    *higher education under title IV, together with rec-*  
12    *ommendations for improvements in such process;*

13            *“(5) advise the Secretary with respect to the re-*  
14    *lationship between—*

15                *“(A) accreditation of institutions of higher*  
16     *education and the certification and eligibility of*  
17     *such institutions; and*

18                *“(B) State licensing responsibilities with re-*  
19     *spect to such institutions;*

20            *“(6) take into consideration the complaints, and*  
21    *the resolution of such complaints, received by the om-*  
22    *budsman described in section 497 when advising the*  
23    *Secretary with respect to the recognition of a specific*  
24    *accrediting agency or association; and*



1           “(7) *carry out such other advisory functions re-*  
 2           *lating to accreditation and institutional eligibility as*  
 3           *the Secretary may prescribe by regulation.*

4           “(d) *MEETING PROCEDURES.—*

5           “(1) *SCHEDULE.—*

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

9           “(B) *PUBLICATION OF DATE.—The Com-*  
 10          *mittee shall submit the date and location of each*  
 11          *meeting in advance to the Secretary, and the*  
 12          *Secretary shall publish such information in the*  
 13          *Federal Register not later than 30 days before*  
 14          *the meeting.*

15          “(2) *AGENDA.—*

16          “(A) *ESTABLISHMENT.—The agenda for a*  
 17          *meeting of the Committee shall be established by*  
 18          *the Chairperson and shall be submitted to the*  
 19          *members of the Committee upon notification of*  
 20          *the meeting.*

21          “(B) *OPPORTUNITY FOR PUBLIC COM-*  
 22          *MENT.—The agenda shall include, at a min-*  
 23          *imum, opportunity for public comment during*  
 24          *the Committee’s deliberations.*

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

5           “(e) *LIMITATION.*—*The Committee shall not rec-*  
 6           *ommend denial of an application related to the recognition*  
 7           *of an accrediting agency or association for any reason other*  
 8           *than a reason set forth in section 496.*

9           “(f) *REPORT AND NOTICE.*—

10           “(1) *NOTICE.*—*The Secretary shall annually*  
 11           *publish in the Federal Register—*

12                   “(A) *a list containing, for each member of*  
 13           *the Committee—*

14                           “(i) *the member’s name;*

15                           “(ii) *the date of the expiration of the*  
 16                   *member’s term of office; and*

17                           “(iii) *the individual described in sub-*  
 18                   *section (b)(1) who appointed the member;*

19                   *and*

20                   “(B) *a solicitation of nominations for each*  
 21           *expiring term of office on the Committee of a*  
 22           *member appointed by the Secretary.*

23           “(2) *REPORT.*—*Not later than September 30 of*  
 24           *each year, the Committee shall make an annual re-*

1        *port to the Secretary, the authorizing committees, and*  
 2        *the public. The annual report shall contain—*

3                *“(A) a detailed summary of the agenda and*  
 4                *activities of, and the findings and recommenda-*  
 5                *tions made by, the Committee during the pre-*  
 6                *ceding fiscal year;*

7                *“(B) a list of the date and location of each*  
 8                *meeting during the preceding fiscal year;*

9                *“(C) a list of the members of the Committee*  
 10                *and appropriate contact information; and*

11                *“(D) a list of the functions of the Com-*  
 12                *mittee, including any additional functions estab-*  
 13                *lished by the Secretary through regulation.*

14        *“(g) TERMINATION.—The Committee shall terminate*  
 15        *on September 30, 2012.”.*

16        *(b) EFFECTIVE DATE.—The amendment made by sub-*  
 17        *section (a) shall be effective January 1, 2009.*

18        **SEC. 105. DRUG AND ALCOHOL ABUSE PREVENTION.**

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

20                *(1) in subsection (a)(2)—*

21                *(A) in subparagraph (A), by striking “and”*  
 22                *after the semicolon;*

23                *(B) by redesignating subparagraph (B) as*  
 24                *subparagraph (D); and*

1                   (C) by inserting after subparagraph (A) (as  
 2                   amended by subparagraph (A) of this para-  
 3                   graph) the following:

4                   “(B) determine the number of drug and al-  
 5                   cohol-related incidents and fatalities that—

6                   “(i) occur on the institution’s property  
 7                   or as part of any of the institution’s activi-  
 8                   ties; and

9                   “(ii) are reported to the institution;

10                  “(C) determine the number and type of  
 11                  sanctions described in paragraph (1)(E) that are  
 12                  imposed by the institution as a result of drug  
 13                  and alcohol-related incidents and fatalities on  
 14                  the institution’s property or as part of any of the  
 15                  institution’s activities; and”;

16                  (2) in subsection (e)(5), by striking “1999” and  
 17                  inserting “2009”; and

18                  (3) by striking subsection (f).

19 **SEC. 106. PRIOR RIGHTS AND OBLIGATIONS.**

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

21                  (1) in paragraph (1), by striking “1999 and for  
 22                  each of the 4 succeeding fiscal years” and inserting  
 23                  “2009 and for each succeeding fiscal year”; and

1           (2) in paragraph (2), by striking “1999 and for  
2           each of the 4 succeeding fiscal years” and inserting  
3           “2009 and for each succeeding fiscal year”.

4   **SEC. 107. IMPROVED INFORMATION CONCERNING THE FED-**  
5                   **ERAL STUDENT FINANCIAL AID WEBSITE.**

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

8           “(d) *PROMOTION OF THE DEPARTMENT OF EDU-*  
9           *CATION FEDERAL STUDENT FINANCIAL AID WEBSITE.—*  
10          *The Secretary—*

11                  *“(1) shall display a link to the Federal student*  
12                  *financial aid website of the Department of Education*  
13                  *in a prominent place on the homepage of the Depart-*  
14                  *ment of Education website; and*

15                  *“(2) may use administrative funds available for*  
16                  *the Department’s operations and expenses for the pur-*  
17                  *pose of advertising and promoting the availability of*  
18                  *the Federal student financial aid website.*

19           “(e) *PROMOTION OF AVAILABILITY OF INFORMATION*  
20           *CONCERNING STUDENT FINANCIAL AID PROGRAMS OF*  
21           *OTHER DEPARTMENTS AND AGENCIES.—*

22                  *“(1) AVAILABILITY OF INFORMATION.—The Sec-*  
23                  *retary shall ensure that the eligibility requirements,*  
24                  *application procedures, financial terms and condi-*  
25                  *tions, and other relevant information for each non-de-*

1     *partmental student financial assistance program are*  
2     *easily accessible through the Federal student financial*  
3     *aid website and are incorporated into the search ma-*  
4     *trix on such website in a manner that permits stu-*  
5     *dents and parents to readily identify the programs*  
6     *that are appropriate to their needs and eligibility.*

7             “(2) *AGENCY RESPONSE.*—*Each Federal depart-*  
8     *ment and agency shall promptly respond to surveys*  
9     *or other requests for the information required by*  
10    *paragraph (1), and shall identify for the Secretary*  
11    *any non-departmental student financial assistance*  
12    *program operated, sponsored, or supported by such*  
13    *Federal department or agency.*

14            “(3) *DEFINITION.*—*For purposes of this sub-*  
15    *section, the term ‘non-departmental student financial*  
16    *assistance program’ means any grant, loan, scholar-*  
17    *ship, fellowship, or other form of financial aid for*  
18    *students pursuing a postsecondary education that*  
19    *is—*

20                    “(A) *distributed directly to the student or to*  
21                    *the student’s account at on institution of higher*  
22                    *education; and*

23                    “(B) *operated, sponsored, or supported by a*  
24                    *Federal department or agency other than the De-*  
25                    *partment of Education.”.*

1 **SEC. 108. STATE COMMITMENT TO AFFORDABLE COLLEGE**  
 2 **EDUCATION.**

3 *Part C of title I (20 U.S.C. 1015) is amended by add-*  
 4 *ing at the end the following new section:*

5 **“SEC. 132. STATE COMMITMENT TO AFFORDABLE COLLEGE**  
 6 **EDUCATION.**

7 *“(a) MAINTENANCE OF EFFORT REQUIRED.—A State*  
 8 *shall provide for public institutions of higher education in*  
 9 *such State for any academic year beginning on or after*  
 10 *July 1, 2008, an amount which is—*

11 *“(1) equal to or greater than the average amount*  
 12 *provided by such State to such institutions of higher*  
 13 *education during the 5 most recent preceding aca-*  
 14 *demic years for which satisfactory data are available;*  
 15 *or*

16 *“(2) equal to or greater than the amount pro-*  
 17 *vided by such State to such institutions of higher edu-*  
 18 *cation during the preceding academic year.*

19 *“(b) WAIVER.—The Secretary shall waive the require-*  
 20 *ments of subsection (a), if the Secretary determines that*  
 21 *such a waiver would be equitable due to exceptional or un-*  
 22 *controllable circumstances, such as a natural disaster or a*  
 23 *precipitous decline in the financial resources of a State or*  
 24 *State educational agency, as appropriate.*

25 *“(c) VIOLATION OF MAINTENANCE OF EFFORT.—Not-*  
 26 *withstanding any other provision of law, the Secretary shall*

1 *withhold from any State that violates subsection (a) and*  
 2 *does not receive a waiver pursuant to subsection (b) any*  
 3 *amount that would otherwise be available to the State under*  
 4 *section 415E until such State has made significant efforts*  
 5 *to correct such violation.*

6 “(d) *RESEARCH INTO COST CONTAINMENT METH-*  
 7 *ODS.—The Secretary is authorized—*

8 “(1) *to identify methods of cost containment cur-*  
 9 *rently utilized by institutions of higher education and*  
 10 *systems of such institutions, and research into other*  
 11 *possible methods of cost containment;*

12 “(2) *to disseminate—*

13 “(A) *the information obtained by such re-*  
 14 *search to such institutions and systems; and*

15 “(B) *other information concerning research*  
 16 *that has identified successful methods of cost con-*  
 17 *tainment;*

18 “(3) *to publicly recognize institutions of higher*  
 19 *education that are doing an effective job at cost con-*  
 20 *tainment; and*

21 “(4) *to work together with such institutions and*  
 22 *systems to implement these methods.”.*



1 **SEC. 109. TRANSPARENCY IN COLLEGE TUITION FOR CON-**  
2 **SUMERS.**

3 *Part C of title I (20 U.S.C. 1015) is further amended*  
4 *by adding after section 132 (as added by section 108 of this*  
5 *Act) the following new section:*

6 **“SEC. 133. TRANSPARENCY IN COLLEGE TUITION FOR CON-**  
7 **SUMERS.**

8 *“(a) NET PRICE.—In this section, the term ‘net price’*  
9 *means the average yearly tuition and fees paid by a full-*  
10 *time undergraduate student at an institution of higher edu-*  
11 *cation, after discounts and grants from the institution, the*  
12 *Federal Government, or a State have been applied to the*  
13 *full price of tuition and fees at the institution.*

14 *“(b) HIGHER EDUCATION PRICE INDEX.—*

15 *“(1) IN GENERAL.—Not later than 1 year after*  
16 *the date of enactment of the College Opportunity and*  
17 *Affordability Act of 2007, the Bureau of Labor Statis-*  
18 *tics, in consultation with the Commissioner of Edu-*  
19 *cation Statistics and representatives of institutions of*  
20 *higher education, shall develop higher education price*  
21 *indices that accurately reflect the annual change in*  
22 *tuition and fees for undergraduate students in the*  
23 *categories of institutions listed in paragraph (2).*  
24 *Such indices shall be updated annually. Prior to the*  
25 *completion of the higher education price index, the*

1        *Secretary is authorized to use an alternative, com-*  
2        *parable index.*

3                *“(2) DEVELOPMENT.—The higher education*  
4        *price indices under paragraph (1) shall be developed*  
5        *for each of the following categories:*

6                *“(A) 4-year public institutions of higher*  
7        *education.*

8                *“(B) 4-year private, nonprofit institutions*  
9        *of higher education.*

10               *“(C) 4-year private, for-profit institutions*  
11       *of higher education.*

12               *“(D) 2-year public institutions of higher*  
13       *education.*

14               *“(E) 2-year private, nonprofit institutions*  
15       *of higher education.*

16               *“(F) 2-year private, for-profit institutions*  
17       *of higher education.*

18               *“(G) Less than 2-year public institutions of*  
19       *higher education.*

20               *“(H) Less than 2-year private, nonprofit*  
21       *institutions of higher education.*

22               *“(I) Less than 2-year private, for-profit in-*  
23       *stitutions of higher education.*

24               *“(J) All types of institutions described in*  
25       *subparagraphs (A) through (I).*

1       “(c) *REPORTING.*—

2               “(1) *IN GENERAL.*—*The Secretary shall make*  
3       *publicly available on an annual basis, in a sortable*  
4       *electronic format on the College Navigator website, a*  
5       *national list ranking institutions of higher education*  
6       *according to the percentage change and dollar change*  
7       *in such institutions’ tuition and fees over the pre-*  
8       *ceding 3 years. Such list shall be capable of being*  
9       *sorted by State, by category as determined under*  
10       *paragraph (2), by percentage change, and by dollar*  
11       *change. The purpose of such list is to provide con-*  
12       *sumers with general information on pricing trends*  
13       *among institutions of higher education nationally*  
14       *and in each State.*

15               “(2) *CATEGORIES.*—*The categories to be used for*  
16       *the list described in paragraph (1) are the categories*  
17       *listed in subparagraphs (A) through (I) of subsection*  
18       *(b)(2).*

19               “(3) *HIGHER EDUCATION PRICE INCREASE*  
20       *WATCH LISTS.*—*Effective July 1, 2008, the Secretary*  
21       *shall annually update and make publicly available on*  
22       *the College Navigator website, the national list devel-*  
23       *oped under paragraph (1), and the list for each State,*  
24       *ranking each institution of higher education whose*  
25       *tuition and fees outpace such institution’s applicable*

1        *higher education price index described in subsection*  
 2        *(b). Such lists shall—*

3                *“(A) be known as the Higher Education*  
 4                *Price Increase Watch Lists;*

5                *“(B) report the full price of tuition and fees*  
 6                *at the institution and the net price;*

7                *“(C) include data cells for common expendi-*  
 8                *tures for institutions to utilize;*

9                *“(D) where applicable, report the average*  
 10                *price of room and board for students living on*  
 11                *campus at the institution, except that such price*  
 12                *shall not be used in determining whether an in-*  
 13                *stitution’s cost outpaces such institution’s appli-*  
 14                *cable higher education price index; and*

15                *“(E) be compiled by the Secretary in a pub-*  
 16                *lic document to be widely published and dissemi-*  
 17                *nated.*

18                *“(4) QUALITY EFFICIENCY TASK FORCES.—*

19                *“(A) REQUIRED.—Each institution subject*  
 20                *to paragraph (3) shall establish a quality-effi-*  
 21                *ciency task force to review the operations of such*  
 22                *institution.*

23                *“(B) FUNCTIONS.—Such task force shall*  
 24                *analyze institutional operating costs in compari-*  
 25                *son with such costs at other institutions within*

1        *the same category of institutions. Such analysis*  
 2        *shall identify areas where, in comparison with*  
 3        *other institutions in such class, the institution*  
 4        *operates more expensively to produce a similar*  
 5        *result. Any identified areas shall then be targeted*  
 6        *for in-depth analysis for cost reduction opportu-*  
 7        *nities.*

8                *“(C) REPORT.—The results of the analysis*  
 9        *by a quality-efficiency task force under this*  
 10        *paragraph shall be made available to the public*  
 11        *on the College Navigator website.*

12                *“(5) EXEMPTIONS.—Notwithstanding paragraph*  
 13        *(3), an institution shall not be placed on the higher*  
 14        *education watch list if, for any 3-year interval for the*  
 15        *computed price under paragraph (1)—*

16                *“(A) with respect to the category of institu-*  
 17        *tions described in paragraph (2) to which the in-*  
 18        *stitution belongs, the computed price of the insti-*  
 19        *tution is in the lowest quartile of institutions*  
 20        *within such class, as determined by the Sec-*  
 21        *retary, during the last year of such 3-year inter-*  
 22        *val; or*

23                *“(B) the institution has a percentage*  
 24        *change in its full price computed under para-*  
 25        *graph (3) that exceeds the higher education price*

1        *index, or exceeds the applicable higher education*  
 2        *price index over the same time period, but the*  
 3        *dollar amount of the full price increase is less*  
 4        *than \$500, or the full price increase is an aver-*  
 5        *age of the higher education price index plus \$500*  
 6        *per year.*

7        “(6) *STATE HIGHER EDUCATION APPROPRIA-*  
 8        *TIONS CHART.*—*The Secretary shall annually report*  
 9        *on the Department’s website, in charts for each*  
 10       *State—*

11                “(A) *a comparison of the percentage change*  
 12                *in State appropriations per enrolled student in*  
 13                *a public institution of higher education in the*  
 14                *State to the percentage change in tuition and*  
 15                *fees for each public institution of higher edu-*  
 16                *cation in the State for each of the previous 5*  
 17                *years; and*

18                “(B) *the total amount of need-based and*  
 19                *merit-based aid provided by the State to students*  
 20                *enrolled in an institution of higher education in*  
 21                *the State.*

22        “(d) *NET PRICE CALCULATOR.*—

23                “(1) *DEVELOPMENT.*—*Not later than 1 year*  
 24                *after the date of enactment of the College Opportunity*  
 25                *and Affordability Act of 2007, the Secretary shall, in*

1       *consultation with institutions of higher education, de-*  
 2       *velop and make several model net price calculators to*  
 3       *help students, families, and consumers determine the*  
 4       *net price of an institution of higher education, which*  
 5       *institutions of higher education may, at their discre-*  
 6       *tion, elect to use pursuant to paragraph (3).*

7               “(2) *CATEGORIES.*—*The model net price calcula-*  
 8       *tors described in paragraph (1) shall be developed for*  
 9       *each of the categories listed in subparagraphs (A)*  
 10       *through (I) of subsection (b)(2).*

11              “(3) *USE OF NET PRICE CALCULATOR BY INSTI-*  
 12       *TUTIONS.*—*Not later than 3 years after the date of en-*  
 13       *actment of the College Opportunity and Affordability*  
 14       *Act of 2007, each institution of higher education that*  
 15       *receives Federal funds under this Act shall adopt and*  
 16       *use a net price calculator to help students, families,*  
 17       *and other consumers determine the net price of such*  
 18       *institution of higher education. Such calculator may*  
 19       *be—*

20                       “(A) *based on a model calculator developed*  
 21                       *by the Department; or*

22                       “(B) *developed by the institution of higher*  
 23                       *education.*

24              “(e) *NET PRICE REPORTING IN APPLICATION INFOR-*  
 25       *MATION.*—*An institution of higher education that receives*

1 *Federal funds under this Act shall include, in the materials*  
 2 *accompanying an application for admission to the institu-*  
 3 *tion, the most recent information regarding the net price*  
 4 *of the institution, calculated for each quartile of students*  
 5 *based on the income of either the students' parents or, in*  
 6 *the case of independent students (as such term is described*  
 7 *in section 480), of the students, for each of the 2 academic*  
 8 *years preceding the academic year for which the application*  
 9 *is produced.*

10 “(f) *ENHANCED COLLEGE NAVIGATOR.*—

11 “(1) *UNIVERSITY AND COLLEGE ACCOUNTABILITY*  
 12 *NETWORK.*—*Not later than 1 year after the date of*  
 13 *enactment of the College Opportunity and Afford-*  
 14 *ability Act of 2007, the Secretary shall develop a*  
 15 *model format for annually publicly displaying basic*  
 16 *information about an institution of higher education*  
 17 *that chooses to participate, to be posted on the College*  
 18 *Navigator and made available to institutions of high-*  
 19 *er education, students, families, and other consumers.*  
 20 *Such document shall be known as the University and*  
 21 *College Accountability Network (U-CAN), and shall*  
 22 *include, the following information about the institu-*  
 23 *tion of higher education for the most recent academic*  
 24 *year for which the institution has available data, pre-*  
 25 *sented in a consumer-friendly manner:*



1           “(A) *A statement of the institution’s mis-*  
2           *sion and specialties.*

3           “(B) *The total number of undergraduate*  
4           *students who applied, were admitted, and en-*  
5           *rolled at the institution.*

6           “(C) *Where applicable, reading, writing,*  
7           *mathematics, and combined scores on the SAT or*  
8           *ACT for the middle 50 percent range of the insti-*  
9           *tution’s freshman class.*

10          “(D) *Enrollment of full-time, part-time,*  
11          *and transfer students at the institution, at the*  
12          *undergraduate and (where applicable) graduate*  
13          *levels.*

14          “(E) *Percentage of male and female under-*  
15          *graduate students enrolled at the institution.*

16          “(F) *Percentage of enrolled undergraduate*  
17          *students from the State in which the institution*  
18          *is located, from other States, and from other*  
19          *countries.*

20          “(G) *Percentage of enrolled undergraduate*  
21          *students at the institution by race and ethnic*  
22          *background.*

23          “(H) *Retention rates for full-time and part-*  
24          *time first-time, first-year undergraduate students*  
25          *enrolled at the institution.*

1           “(I) *Average time to degree or certificate*  
2           *completion for first-time, first-year under-*  
3           *graduate students enrolled at the institution.*

4           “(J) *Percentage of enrolled undergraduate*  
5           *students who graduate within 2 years (in the*  
6           *case of 2-year institutions), and 4, 5, and 6*  
7           *years (in the case of 2-year and 4-year institu-*  
8           *tions).*

9           “(K) *Number of students who obtained a*  
10          *certificate or an associate’s, bachelor’s, master’s,*  
11          *or doctoral degree at the institution.*

12          “(L) *Undergraduate major areas of study*  
13          *with the highest number of degrees awarded.*

14          “(M) *The student-faculty ratio, and number*  
15          *of full-time, part-time, and adjunct faculty, and*  
16          *graduate teaching and research assistants with*  
17          *instructional responsibilities, at the institution.*

18          “(N) *Percentage of faculty at the institution*  
19          *with the highest degree in their field.*

20          “(O) *Percentage change in total price in*  
21          *tuition and fees and the net price for an under-*  
22          *graduate at the institution in each of the pre-*  
23          *ceding 3 academic years.*

24          “(P) *Total average yearly cost of tuition*  
25          *and fees, room and board, and books and other*

1           *related costs for an undergraduate student en-*  
2           *rolled at the institution, for—*

3                     *“(i) full-time undergraduate students*  
4                     *living on campus;*

5                     *“(ii) full-time undergraduate students*  
6                     *living off campus; and*

7                     *“(iii) in the case of students attending*  
8                     *a public institution of higher education,*  
9                     *such costs for in-State and out-of-State stu-*  
10                    *dents living on and off campus.*

11                    *“(Q) Average yearly grant amount (includ-*  
12                    *ing Federal, State, and institutional aid) for a*  
13                    *student enrolled at the institution.*

14                    *“(R) Average yearly amount of Federal stu-*  
15                    *dent loans, and other loans provided through the*  
16                    *institution, to undergraduate students enrolled at*  
17                    *the institution.*

18                    *“(S) Total yearly grant aid available to un-*  
19                    *dergraduate students enrolled at the institution,*  
20                    *from the Federal Government, a State, the insti-*  
21                    *tution, and other sources.*

22                    *“(T) Percentage of undergraduate students*  
23                    *enrolled at the institution receiving Federal,*  
24                    *State, and institutional grants, student loans,*  
25                    *and any other type of student financial assist-*

1            *ance provided publicly or through the institu-*  
2            *tion, such as Federal work-study funds.*

3            *“(U) Number of students receiving Federal*  
4            *Pell Grants at the institution.*

5            *“(V) Average net price for all under-*  
6            *graduate students enrolled at the institution.*

7            *“(W) Percentage of first-year undergraduate*  
8            *students enrolled at the institution who live on*  
9            *campus and off campus.*

10           *“(X) Information on the policies of the in-*  
11           *stitution related to transfer of credit from other*  
12           *institutions.*

13           *“(Y) Information on campus safety required*  
14           *to be collected under section 485(f).*

15           *“(Z) Links to the appropriate sections of*  
16           *the institution’s website that provide information*  
17           *on student activities offered by the institution,*  
18           *such as intercollegiate sports, student organiza-*  
19           *tions, study abroad opportunities, intramural*  
20           *and club sports, specialized housing options,*  
21           *community service opportunities, cultural and*  
22           *arts opportunities on campus, religious and*  
23           *spiritual life on campus, and lectures and out-*  
24           *side learning opportunities.*

1           “(AA) *Links to the appropriate sections of*  
 2           *the institution’s website that provide information*  
 3           *on services offered by the institution to students*  
 4           *during and after college, such as internship op-*  
 5           *portunities, career and placement services, and*  
 6           *preparation for further education.*

7           “(2) *CONSULTATION.—The Secretary shall en-*  
 8           *sure that current and prospective college students,*  
 9           *family members of such students, and institutions of*  
 10          *higher education are consulted in carrying out para-*  
 11          *graph (1).*

12          “(g) *STUDENT AID RECIPIENT SURVEY.—*

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

17                       “(A) *to identify the population of students*  
 18                       *receiving Federal student aid;*

19                       “(B) *to describe the income distribution and*  
 20                       *other socioeconomic characteristics of federally*  
 21                       *aided students;*

22                       “(C) *to describe the combinations of aid*  
 23                       *from State, Federal, and private sources received*  
 24                       *by students from all income groups;*

1           “(D) to describe the debt burden of edu-  
2           cational loan recipients and their capacity to  
3           repay their education debts, and the impact of  
4           such debt burden on career choices;

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

8           “(F) to describe how the increased costs of  
9           textbooks and other instructional materials af-  
10          fects the costs of postsecondary education to stu-  
11          dents.

12          “(2) *SURVEY DESIGN.*—The survey shall be rep-  
13          resentative of full-time and part-time, undergraduate,  
14          graduate, professional, and current and former stu-  
15          dents in all types of institutions, and designed and  
16          administered in consultation with the Congress and  
17          the postsecondary education community.

18          “(3) *DISSEMINATION.*—The Commissioner of  
19          Education Statistics shall disseminate the informa-  
20          tion resulting from the survey in both printed and  
21          electronic form.

22          “(h) *REGULATIONS.*—The Secretary is authorized to  
23          issue such regulations as may be necessary to carry out the  
24          provisions of this section.”.

1 **SEC. 110. TEXTBOOK INFORMATION.**

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

5 **“SEC. 134. TEXTBOOK INFORMATION.**

6 *“(a) PURPOSE AND INTENT.—The purpose of this sec-*  
 7 *tion is to ensure that every student in higher education is*  
 8 *offered better and more timely access to affordable course*  
 9 *materials by educating and informing faculty, students, ad-*  
 10 *ministrators, institutions of higher education, bookstores,*  
 11 *distributors, and publishers on all aspects of the selection,*  
 12 *purchase, sale, and use of course materials. It is the intent*  
 13 *of this section—*

14 *“(1) to have all involved parties work together to*  
 15 *identify ways to decrease the cost of college textbooks*  
 16 *and supplemental materials for students while pro-*  
 17 *tecting the academic freedom of faculty members to se-*  
 18 *lect high quality course materials for students; and*

19 *“(2) to encourage—*

20 *“(A) college textbook publishers and dis-*  
 21 *tributors to work with faculty to promote under-*  
 22 *standing of the cost to students of purchasing*  
 23 *faculty selected textbooks, including the disclo-*  
 24 *sure of prices and bundling practices;*

25 *“(B) college bookstores to work with faculty*  
 26 *to review timelines and processes for ordering*

1           *and stocking course materials, and to disclose*  
 2           *costs to faculty and students in a timely man-*  
 3           *ner;*

4           “(C) *institutions of higher education to im-*  
 5           *plement numerous options to address college text-*  
 6           *book affordability;*

7           “(D) *institutions of higher education to*  
 8           *work with student organizations to help students*  
 9           *understand the factors driving textbook costs and*  
 10          *available methods and resources to mitigate the*  
 11          *effects of those costs; and*

12          “(E) *innovation in the development and use*  
 13          *of course materials (including course materials*  
 14          *utilizing the principles of universal design) and*  
 15          *technologies that can help students receive the*  
 16          *full value of their educational investment.*

17          “(b) *DEFINITIONS.—In this section:*

18               “(1) *BUNDLE.—The term ‘bundle’ means one or*  
 19               *more college textbooks or other supplemental learning*  
 20               *materials that may be packaged together to be sold as*  
 21               *course materials for one price.*

22               “(2) *COLLEGE TEXTBOOK.—The term ‘college*  
 23               *textbook’ means a textbook or a set of textbooks, used*  
 24               *for, or in conjunction with, a course in postsecondary*  
 25               *education at an institution of higher education.*



1           “(3) *COURSE SCHEDULE*.—The term ‘course  
2           *schedule*’ means a listing of the courses or classes of-  
3           *fered by an institution of higher education for an*  
4           *academic period, as defined by the institution.*

5           “(4) *CUSTOM TEXTBOOK*.—The term ‘custom  
6           *textbook*’—

7                   “(A) means a college textbook that is com-  
8                    *piled at the direction of a faculty member or*  
9                    *other person or adopting entity in charge of se-*  
10                   *lecting course materials at an institution of*  
11                   *higher education; and*

12                  “(B) may include, alone or in combination,  
13                   *items such as selections from original instructor*  
14                   *materials, previously copyrighted publisher ma-*  
15                   *terials, copyrighted third-party works, and ele-*  
16                   *ments unique to a specific institution, such as*  
17                   *commemorative editions.*

18           “(5) *INSTITUTION OF HIGHER EDUCATION*.—The  
19           *term ‘institution of higher education’ has the meaning*  
20           *given the term in section 102.*

21           “(6) *INTEGRATED TEXTBOOK*.—The term ‘inte-  
22           *grated textbook*’ means a college textbook that is com-  
23           *bined with materials developed by a third party and*  
24           *that, by third-party contractual agreement, may not*

1       *be offered by publishers separately from the college*  
 2       *textbook with which the materials are combined.*

3               “(7) *PUBLISHER.*—*The term ‘publisher’ means a*  
 4       *publisher of college textbooks or supplemental mate-*  
 5       *rials involved in or affecting interstate commerce.*

6               “(8) *SUBSTANTIAL CONTENT.*—*The term ‘sub-*  
 7       *stantial content’ means parts of a college textbook,*  
 8       *such as new chapters, additional eras of time, new*  
 9       *themes, or new subject matter.*

10              “(9) *SUPPLEMENTAL MATERIAL.*—*The term ‘sup-*  
 11       *plemental material’ means educational material de-*  
 12       *veloped to accompany a college textbook, which—*

13                   “(A) *may include printed materials, com-*  
 14               *puter disks, website access, and electronically*  
 15               *distributed materials; and*

16                   “(B) *is not bound by third-party contrac-*  
 17               *tual agreements to be sold in an integrated text-*  
 18               *book.*

19              “(c) *PUBLISHER REQUIREMENTS.*—

20                   “(1) *COLLEGE TEXTBOOK PRICING INFORMA-*  
 21       *TION.*—*When a publisher provides a faculty member*  
 22       *or other person or adopting entity in charge of select-*  
 23       *ing course materials at an institution of higher edu-*  
 24       *cation with information regarding a college textbook*  
 25       *or supplemental material, the publisher shall include,*

1       *with any such information and in writing, the fol-*  
2       *lowing:*

3               “(A) *The price at which the publisher would*  
4               *make the college textbook or supplemental mate-*  
5               *rial available to the bookstore on the campus of,*  
6               *or otherwise associated with, such institution of*  
7               *higher education.*

8               “(B) *The copyright dates of all previous*  
9               *editions of such college textbook, if any.*

10              “(C) *The substantial content revisions made*  
11              *between the current edition of the college textbook*  
12              *or supplemental material and the previous edi-*  
13              *tion, if any.*

14              “(D) *Whether the college textbook or supple-*  
15              *mental material is available in any other for-*  
16              *mat, including paperback and unbound, and the*  
17              *price at which the publisher would make the col-*  
18              *lege textbook or supplemental material in the*  
19              *other format available to the bookstore on the*  
20              *campus of, or otherwise associated with, such in-*  
21              *stitution of higher education.*

22              “(2) *UNBUNDLING OF COLLEGE TEXTBOOKS*  
23              *FROM SUPPLEMENTAL MATERIALS.—A publisher that*  
24              *sells a college textbook and any supplemental material*  
25              *accompanying such college textbook as a single bundle*

1       *shall also make available the college textbook and each*  
 2       *supplemental material as separate and unbundled*  
 3       *items, each separately priced.*

4               “(3) *CUSTOM TEXTBOOKS.—To the maximum*  
 5       *extent practicable, publishers shall provide the infor-*  
 6       *mation required under this subsection with respect to*  
 7       *the development and provision of custom textbooks.*

8               “(d) *PROVISION OF ISBN COLLEGE TEXTBOOK INFOR-*  
 9       *MATION IN COURSE SCHEDULES.—*

10              “(1) *INTERNET COURSE SCHEDULES.—Each in-*  
 11       *stitution of higher education, to the maximum extent*  
 12       *practicable, shall—*

13                   “(A) *disclose the International Standard*  
 14       *Book Number and retail price information of re-*  
 15       *quired and recommended textbooks, related mate-*  
 16       *rials, and supplies for each course listed in the*  
 17       *institution’s course schedule used for pre-reg-*  
 18       *istration and registration purposes;*

19                   “(B) *if the International Standard Book*  
 20       *Number is not available for the items listed in*  
 21       *subparagraph (A), use the author, title, pub-*  
 22       *lisher, and copyright date; and*

23                   “(C) *if the institution determines that the*  
 24       *disclosure of the information described in the*  
 25       *preceding subparagraphs for a course is not*

1           *practicable for a textbook, related material, or*  
 2           *supply, then it should so indicate by placing the*  
 3           *designation ‘To Be Determined’ in lieu of the in-*  
 4           *formation required under such subparagraphs.*

5           “(2) *WRITTEN COURSE SCHEDULES.*—*In the case*  
 6           *of an institution of higher education that does not*  
 7           *publish the institution’s course schedule for the subse-*  
 8           *quent academic period on the Internet, the institution*  
 9           *of higher education shall include the information re-*  
 10          *quired under paragraph (1) in any printed version of*  
 11          *the institution’s course schedule as it is available at*  
 12          *the time of the course schedule’s printing.*

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

18                 “(1) *the institution’s course schedule for the sub-*  
 19                 *sequent academic period; and*

20                 “(2) *for each course or class offered by the insti-*  
 21                 *tution for the subsequent academic period—*

22                         “(A) *the information required by subsection*  
 23                         *(d)(1) for each college textbook or supplemental*  
 24                         *material required or recommended for such*  
 25                         *course or class;*

1                   “(B) the number of students enrolled in  
2                   such course or class; and

3                   “(C) the maximum student enrollment for  
4                   such course or class.

5           “(f) *RULE OF CONSTRUCTION.*—Nothing in this sec-  
6   tion shall be construed to supercede the institutional auton-  
7   omy or academic freedom of instructors involved in the se-  
8   lection of college textbooks and classroom materials.

9           “(g) *EFFECTIVE DATE.*—This section shall be effective  
10 on and after July 1, 2008.”.

11 **SEC. 111. DATABASE OF STUDENT INFORMATION PROHIB-**  
12 **ITED.**

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

16 **“SEC. 135. DATABASE OF STUDENT INFORMATION PROHIB-**  
17 **ITED.**

18       “(a) *PROHIBITION.*—Except as described in subsection  
19 (b), nothing in this Act shall be construed to authorize the  
20 Secretary to develop, implement, or maintain a Federal  
21 database of personally identifiable information on individ-  
22 uals receiving assistance under this Act, attending institu-  
23 tions receiving assistance under this Act, or otherwise in-  
24 volved in any studies or other collections of data under this  
25 Act, including a student unit record system, an education

1 *bar code system, or any other system that tracks individual*  
 2 *students over time.*

3       “(b) *EXCEPTION.—The provisions of subsection (a)*  
 4 *shall not apply to a system (or a successor system) that*  
 5 *is necessary for the operation of programs authorized by*  
 6 *title II, IV, or VII, or data required to be collected by the*  
 7 *Secretary under this Act (including section 133(g)), that*  
 8 *were in use by the Secretary, directly or through a con-*  
 9 *tractor, as of the day before the date of enactment of the*  
 10 *College Opportunity and Affordability Act of 2007.*

11       “(c) *STATE DATABASES.—Nothing in this Act shall*  
 12 *prohibit a State or a consortium of States from developing,*  
 13 *implementing, or maintaining State-developed databases*  
 14 *that track individuals over time, including student unit*  
 15 *record systems that contain information related to enroll-*  
 16 *ment, attendance, graduation and retention rates, student*  
 17 *financial assistance, and graduate employment outcomes.”.*

18 **SEC. 112. INSTITUTION AND LENDER REPORTING AND DIS-**

19 **CLOSURE REQUIREMENTS.**

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

22 **“PART E—LENDER AND INSTITUTION REQUIRE-**  
 23 **MENTS RELATING TO EDUCATIONAL LOANS**

24 **“SEC. 151. DEFINITIONS.**

25       *“In this part:*

1           “(1) *COVERED INSTITUTION*.—The term ‘covered  
2           institution’—

3                   “(A) means any educational institution  
4           that—

5                           “(i) offers a postsecondary educational  
6                           degree, certificate, or program of study (in-  
7                           cluding any institution of higher education,  
8                           as such term is defined in section 102); and

9                           “(ii) receives any Federal funding or  
10           assistance; and

11                   “(B) includes an authorized agent of the  
12           educational institution (including an alumni as-  
13           sociation, booster club, or other organization di-  
14           rectly or indirectly authorized by such institu-  
15           tion) or an employee of such institution.

16           “(2) *EDUCATIONAL LOAN*.—The term ‘edu-  
17           cational loan’ (except when used as part of the term  
18           ‘private educational loan’) means—

19                   “(A) any loan made, insured, or guaranteed  
20           under title IV; or

21                   “(B) a private educational loan (as defined  
22           in paragraph (6)).

23           “(3) *PREFERRED LENDER ARRANGEMENT*.—The  
24           term ‘preferred lender arrangement’—



1           “(A) means an arrangement or agreement  
2           between a lender and a covered institution—

3                   “(i) under which arrangement or  
4                   agreement a lender provides or otherwise  
5                   issues educational loans to the students at-  
6                   tending the covered institution or the par-  
7                   ents of such students; and

8                   “(ii) which arrangement or agreement  
9                   relates to the covered institution recom-  
10                  mending, promoting, or endorsing the edu-  
11                  cational loan product of the lender; and

12          “(B) does not include—

13                   “(i) arrangements or agreements with  
14                   respect to loans under parts D or E of title  
15                   IV; or

16                   “(ii) arrangements or agreements with  
17                   respect to loans under section 499(b).

18          “(4) LENDER.—

19                   “(A) IN GENERAL.—The term ‘lender’—

20                   “(i) means a creditor, except that such  
21                   term shall not include an issuer of credit se-  
22                   cured by a dwelling or under an open end  
23                   credit plan; and

24                   “(ii) includes an agent of a lender.

1                   “(B) *INCORPORATION OF TILA DEFINI-*  
 2                   *TIONS.—The terms ‘creditor’, ‘dwelling’, and*  
 3                   *‘open end credit plan’ have the meanings given*  
 4                   *such terms in section 103 of the Truth in Lend-*  
 5                   *ing Act (15 U.S.C. 1602).*

6                   “(5) *OFFICER.—The term ‘officer’ includes a di-*  
 7                   *rector or trustee of a covered institution, if such indi-*  
 8                   *vidual is treated as an employee of the covered insti-*  
 9                   *tution.*

10                  “(6) *PRIVATE EDUCATIONAL LOAN.—The term*  
 11                  *‘private educational loan’ means a private loan pro-*  
 12                  *vided by a lender that—*

13                         “(A) *is not made, insured, or guaranteed*  
 14                         *under title IV; and*

15                         “(B) *is issued by a lender expressly for*  
 16                         *postsecondary educational expenses to a student,*  
 17                         *or the parent of the student, regardless of whether*  
 18                         *the loan involves enrollment certification by the*  
 19                         *educational institution that the student attends.*

20                  “(7) *POSTSECONDARY EDUCATIONAL EX-*  
 21                  *PENSES.—The term ‘postsecondary educational ex-*  
 22                  *penses’ means any of the expenses that are included*  
 23                  *as part of a student’s cost of attendance, as defined*  
 24                  *under section 472.*

1 **“SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITU-**  
2 **TIONS PARTICIPATING IN PREFERRED LEND-**  
3 **ER ARRANGEMENTS.**

4 “(a) *CERTIFICATION BY LENDERS.*—In addition to  
5 any other disclosure required under Federal law, each lend-  
6 er under part B of title IV that participates in one or more  
7 preferred lender arrangements shall annually certify its  
8 compliance with the requirements of this Act. Such compli-  
9 ance of such preferred lender arrangement shall be reported  
10 on and attested to annually by the auditor of such lender  
11 in the audit conducted pursuant to section  
12 428(b)(1)(U)(iii).

13 “(b) *USE OF INSTITUTION NAME.*—

14 “(1) *IN GENERAL.*—A covered institution that  
15 has entered into a preferred lender arrangement with  
16 a lender regarding private educational loans shall not  
17 agree to the lender’s use of the name, emblem, mascot,  
18 or logo of the institution, or other words, pictures, or  
19 symbols readily identified with the institution, in the  
20 marketing of private educational loans to the students  
21 attending the institution in any way that implies  
22 that the institution endorses the private educational  
23 loans offered by the lender.

24 “(2) *APPLICABILITY.*—Paragraph (1) shall apply  
25 to any preferred lender arrangement, or extension of  
26 such arrangement, entered into or renewed after the

1       *date of enactment of the College Opportunity and Af-*  
 2       *fordability Act of 2007.*

3       **“SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS**  
 4               **AND LENDERS PARTICIPATING IN PRE-**  
 5               **FERRED LENDER ARRANGEMENTS.**

6       “(a) *DUTIES OF THE SECRETARY.*—

7               “(1) *REPORT AND MODEL FORMAT.*—Not later  
 8       *than 180 days after the date of enactment of the Col-*  
 9       *lege Opportunity and Affordability Act of 2007, the*  
 10       *Secretary shall—*

11               “(A) *prepare a report on the adequacy of*  
 12       *the information provided to students and the*  
 13       *parents of such students about educational loans,*  
 14       *after consulting with students, representatives of*  
 15       *covered institutions (including financial aid ad-*  
 16       *ministrators, registrars, and business officers),*  
 17       *lenders, loan servicers, and guaranty agencies;*

18               “(B) *develop and prescribe by regulation a*  
 19       *model disclosure form to be used by lenders and*  
 20       *covered institutions in carrying out subsections*  
 21       *(b) and (c) that—*

22               “(i) *will be easy for students and par-*  
 23       *ents to read and understand;*

1           “(ii) will be easily usable by lenders,  
2           institutions, guaranty agencies, and loan  
3           servicers;

4           “(iii) will provide students and par-  
5           ents with the relevant, meaningful, and  
6           standard information about the terms and  
7           conditions for both Federal and private edu-  
8           cational loans;

9           “(iv) is based on the report’s findings  
10          and developed in consultation with—

11           “(I) students;

12           “(II) representatives of covered in-  
13          stitutions, including financial aid ad-  
14          ministrators, registrars, business offi-  
15          cers, and student affairs officials;

16           “(III) lenders;

17           “(IV) loan servicers;

18           “(V) guaranty agencies; and

19           “(VI) with respect to the require-  
20          ments of clause (vi) concerning private  
21          educational loans, the Board of Gov-  
22          ernors of the Federal Reserve System;

23           “(v) provides information on the appli-  
24          cable interest rates and other terms and  
25          conditions of the educational loans provided

1           *by a lender to students attending the insti-*  
2           *tution, or the parents of such students,*  
3           *disaggregated by each type of educational*  
4           *loan (including opportunity pools as de-*  
5           *defined in section 155(f)) provided to such*  
6           *students or parents by the lender, includ-*  
7           *ing—*

8                   *“(I) the rate of interest, or the po-*  
9                   *tential range of rates of interest, appli-*  
10                  *cable to the loan, and whether such*  
11                  *rates are fixed or variable;*

12                  *“(II) limitations, if any, on inter-*  
13                  *est rate adjustments, both in terms of*  
14                  *frequency and amount, or lack thereof;*

15                  *“(III) co-borrower requirements,*  
16                  *including changes in interest rates;*

17                  *“(IV) any fees associated with the*  
18                  *loan;*

19                  *“(V) the repayment terms avail-*  
20                  *able on the loan;*

21                  *“(VI) the opportunity for*  
22                  *deferment or forbearance in repayment*  
23                  *of the loan, including whether the loan*  
24                  *payments can be deferred if the student*  
25                  *is in school;*

1           “(VII) any additional terms and  
2           conditions applied to the loan, includ-  
3           ing any benefits that are contingent on  
4           the repayment behavior of the bor-  
5           rower;

6           “(VIII) the annual percentage  
7           rate for such loans, determined in the  
8           manner required under section 107 of  
9           the Truth in Lending Act (15 U.S.C.  
10          1606);

11          “(IX) an example of the total cost  
12          of the educational loan over the life of  
13          the loan which shall be calculated—

14               “(aa) using a principal  
15               amount and the maximum rate of  
16               interest actually offered by the  
17               lender; and

18               “(bb) both with and without  
19               capitalization of interest, if that  
20               is an option for postponing inter-  
21               est payments;

22          “(X) the consequences for the bor-  
23          rower of defaulting on a loan, includ-  
24          ing any limitations on the discharge of  
25          an educational loan in bankruptcy;

1                   “(XI) contact information for the  
2                   lender; and

3                   “(XII) any philanthropic con-  
4                   tributions made by the lender to the  
5                   covered institution, including the pur-  
6                   pose of the contribution and any condi-  
7                   tions related to its use; and

8                   “(vi) provides, in addition, with re-  
9                   spect to private educational loans, the fol-  
10                  lowing information with respect to loans  
11                  made by each lender recommended by the  
12                  covered institution:

13                  “(I) the method of determining the  
14                  interest rate of the loan;

15                  “(II) potential finance charges,  
16                  late fees, penalties, and adjustments to  
17                  principal, based on defaults or late  
18                  payments of the borrower; and

19                  “(III) such other information as  
20                  the Secretary may require; and

21                  “(C)(i) submit the report and model disclo-  
22                  sure form to the authorizing committees; and

23                  “(ii) make the report and model disclosure  
24                  form available to covered institutions, lenders,  
25                  and the public.



1           “(2) *MODEL FORM UPDATE.*—Not later than 1  
2           *year after the submission of the report and model dis-*  
3           *closure form described in paragraph (1)(B), the Sec-*  
4           *retary shall—*

5                   “(A) *assess the adequacy of the model dis-*  
6                   *closure form;*

7                   “(B) *after consulting with students, rep-*  
8                   *resentatives of covered institutions (including fi-*  
9                   *nancial aid administrators, registrars, business*  
10                  *officers, and student affairs officials), lenders,*  
11                  *loan servicers, guaranty agencies, and the Board*  
12                  *of Governors of the Federal Reserve System—*

13                   “(i) *prepare a list of any improve-*  
14                   *ments to the model disclosure form that*  
15                   *have been identified as beneficial to bor-*  
16                   *rowers; and*

17                   “(ii) *update the model disclosure form*  
18                   *after taking such improvements into consid-*  
19                   *eration; and*

20                   “(C)(i) *submit the list of improvements and*  
21                   *updated model disclosure form to the authorizing*  
22                   *committees; and*

23                   “(ii) *make the updated model disclosure*  
24                   *form available to covered institutions, lenders,*  
25                   *and the public.*

1           “(3) *USE OF FORM.*—*The Secretary shall take*  
2           *such steps as necessary to make the model disclosure*  
3           *form, and the updated model disclosure form, avail-*  
4           *able to covered institutions and to encourage—*

5                     “(A) *lenders subject to subsection (b) to use*  
6           *the model disclosure form or updated model dis-*  
7           *closure form (if available) in providing the infor-*  
8           *mation required under subsection (b); and*

9                     “(B) *covered institutions to use such format*  
10          *in preparing the information reported under*  
11          *subsection (c).*

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

16          “(b) *LENDER DUTIES.*—*Each lender that has a pre-*  
17          *ferred lender arrangement with a covered institution shall,*  
18          *by August 1 of each year, provide to the covered institution*  
19          *and to the Secretary the information included on the model*  
20          *disclosure form or an updated model disclosure form (if*  
21          *available) for each type of educational loan (including op-*  
22          *portunity pools as defined in section 155(f)) to be offered*  
23          *by the lender to students attending the covered institution,*  
24          *or the parents of such students, for the forthcoming aca-*  
25          *demic year.*

1       “(c) *COVERED INSTITUTION REPORTS.*—*Each covered*  
2 *institution shall—*

3               “(1) *prepare and submit to the Secretary an an-*  
4 *nual report, by a date determined by the Secretary,*  
5 *that includes, for each lender that has a preferred*  
6 *lender arrangement with the covered institution and*  
7 *that has submitted to the institution the information*  
8 *required under subsection (b)—*

9               “(A) *the information included on the model*  
10 *disclosure form or updated model disclosure form*  
11 *(if available) for each type of educational loan*  
12 *provided by the lender to students attending the*  
13 *covered institution, or the parents of such stu-*  
14 *dents; and*

15               “(B) *a detailed explanation of why the cov-*  
16 *ered institution believes the terms and conditions*  
17 *of each type of educational loan provided pursu-*  
18 *ant to the agreement are beneficial for students*  
19 *attending the covered institution, or the parents*  
20 *of such students; and*

21               “(2) *ensure that the report required under para-*  
22 *graph (1) is made available to the public and pro-*  
23 *vided to students attending or planning to attend the*  
24 *covered institution, and the parents of such students,*  
25 *in time for the student or parent to take such infor-*

1        *mation into account before applying for or selecting*  
2        *an educational loan.*

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

6                “(1) *a statement that—*

7                        “(A) *indicates that students are not limited*  
8                        *to or required to use the lenders the institution*  
9                        *recommends; and*

10                      “(B) *the institution is required to process*  
11                      *the documents required to obtain a Federal edu-*  
12                      *cational loan from any eligible lender the student*  
13                      *selects;*

14                      “(2) *at a minimum, all of the information pro-*  
15                      *vided by the model disclosure form prescribed under*  
16                      *subsection (a)(1)(B), or updated model disclosure*  
17                      *form (if available), with respect to any lender rec-*  
18                      *ommended by the institution for Federal educational*  
19                      *loans and, as applicable, private educational loans*  
20                      *(including opportunity pools as defined in section*  
21                      *155(f));*

22                      “(3) *the maximum amount of Federal grant and*  
23                      *loan aid available to students in an easy-to-under-*  
24                      *stand format; and*

1           “(4) the institution’s cost of attendance (as deter-  
2           mined under section 472).

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

9           **“SEC. 154. PRIVATE EDUCATIONAL LOAN DISCLOSURE RE-**  
10           **QUIREMENTS FOR COVERED INSTITUTIONS.**

11           *“A covered institution that provides information to*  
12           *any student, or the parent of such student, regarding a pri-*  
13           *vate educational loan from a lender shall, prior to or con-*  
14           *current with such information—*

15           *“(1) inform the student or parent of—*

16                   *“(A) the student or parent’s eligibility for*  
17                   *assistance and loans under title IV; and*

18                   *“(B) the terms and conditions of such pri-*  
19                   *vate educational loan that may be less favorable*  
20                   *than the terms and conditions of educational*  
21                   *loans for which the student or parent is eligible,*  
22                   *including interest rates, repayment options, and*  
23                   *loan forgiveness; and*

24           *“(2) ensure that information regarding such pri-*  
25           *vate educational loan is presented in such a manner*

1       *as to be distinct from information regarding loans*  
 2       *that are made, insured, or guaranteed under title IV.*

3       **“SEC. 155. INTEGRITY PROVISIONS.**

4       **“(a) INSTITUTION CODE OF CONDUCT REQUIRED.—**

5               **“(1) CODE OF CONDUCT.—***Each institution of*  
 6       *higher education that participates in the Federal stu-*  
 7       *dent loan programs under title IV or has students*  
 8       *that obtain private educational loans shall—*

9               **“(A) develop a code of conduct in accord-**  
 10       *ance with paragraph (2) with which its officers,*  
 11       *employees, and agents shall comply with respect*  
 12       *to educational loans;*

13              **“(B) publish the code of conduct promi-**  
 14       *nently on its website; and*

15              **“(C) administer and enforce such code in**  
 16       *accordance with the requirements of this sub-*  
 17       *section.*

18              **“(2) CONTENTS OF CODE.—***The code required by*  
 19       *this section shall—*

20              **“(A) prohibit a conflict of interest with the**  
 21       *responsibilities of such officer, employee, or agent*  
 22       *with respect to educational loans; and*

23              **“(B) at a minimum, include provisions in**  
 24       *compliance with the provisions of the following*  
 25       *subsections of this section.*

1           “(3) *TRAINING AND COMPLIANCE.*—*An institu-*  
 2           *tion of higher education shall administer and enforce*  
 3           *a code of conduct required by this section by, at a*  
 4           *minimum, requiring all of its officers, employees, and*  
 5           *agents with responsibilities with respect to edu-*  
 6           *cational loans to obtain training annually in compli-*  
 7           *ance with the code.*

8           “(b) *GIFT BAN.*—

9           “(1) *PROHIBITION.*—*No officer, employee, or*  
 10          *agent of a covered institution who is employed in the*  
 11          *financial aid office of the institution, or who other-*  
 12          *wise has responsibilities with respect to educational*  
 13          *loans, shall solicit or accept any gift from a lender,*  
 14          *guarantor, or servicer of educational loans.*

15          “(2) *INSPECTOR GENERAL REPORT.*—*The Inspec-*  
 16          *tor General of the Department of Education shall in-*  
 17          *vestigate any reported violation of this subsection and*  
 18          *shall annually submit a report to the authorizing*  
 19          *committees identifying all substantiated violations of*  
 20          *the gift ban under paragraph (1), including the lend-*  
 21          *ers and covered institutions involved in each such vio-*  
 22          *lation, for the preceding year.*

23          “(3) *DEFINITION OF GIFT.*—

24                 “(A) *IN GENERAL.*—*In this subsection, the*  
 25                 *term ‘gift’ means any gratuity, favor, discount,*

1       *entertainment, hospitality, loan, or other item*  
2       *having a monetary value of more than a de*  
3       *minimus amount. The term includes a gift of*  
4       *services, transportation, lodging, or meals,*  
5       *whether provided in kind, by purchase of a tick-*  
6       *et, payment in advance, or reimbursement after*  
7       *the expense has been incurred.*

8               “(B) *EXCEPTIONS.—The term ‘gift’ shall*  
9       *not include any of the following:*

10               “(i) *Standard informational material*  
11       *related to a loan or financial literacy, such*  
12       *as a brochure.*

13               “(ii) *Food, refreshments, training, or*  
14       *informational material furnished to an offi-*  
15       *cer, employee, or agent of an institution as*  
16       *an integral part of a training session that*  
17       *is designed to improve the service of a lend-*  
18       *er, guarantor, or servicer of educational*  
19       *loans to the covered institution, if such*  
20       *training contributes to the professional de-*  
21       *velopment of the officer, employee, or agent*  
22       *of the institution.*

23               “(iii) *Favorable terms, conditions, and*  
24       *borrower benefits on an educational loan*  
25       *provided to a student employed by the cov-*



1            *ered institution if such terms, conditions, or*  
2            *benefits are comparable to those provided to*  
3            *all students of the institution.*

4            *“(iv) Exit counseling services provided*  
5            *to borrowers to meet a covered institution’s*  
6            *responsibilities for exit counseling as re-*  
7            *quired by section 485(b) provided that—*

8            *“(I) a covered institution’s staff*  
9            *are in control of the counseling (wheth-*  
10           *er in person or via electronic capabili-*  
11           *ties); and*

12           *“(II) such counseling does not*  
13           *promote the products or services of any*  
14           *lender.*

15           *“(v) Philanthropic contributions to a*  
16           *covered institution from a lender, guar-*  
17           *antor, or servicer of educational loans that*  
18           *are unrelated to educational loans, pro-*  
19           *vided, as applicable, that such contributions*  
20           *are disclosed pursuant to section 153(a)(1)*  
21           *and section 153(a)(2).*

22           *“(C) RULE FOR GIFTS TO FAMILY MEM-*  
23           *BERS.—For purposes of this section, a gift to a*  
24           *family member of an officer, employee, or agent*  
25           *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—

1           “(A) an officer, employee, or agent of a cov-  
2           ered institution who is not employed in the in-  
3           stitution’s financial aid office, or who does not  
4           otherwise have responsibilities with respect to  
5           educational loans, from paid or unpaid service  
6           on a board of directors of a lender, guarantor, or  
7           servicer of educational loans;

8           “(B) an officer, employee, or agent of a cov-  
9           ered institution who is not employed in the fi-  
10          nancial aid office but who has responsibility  
11          with respect to educational loans as a result of  
12          a position held at the covered institution, from  
13          paid or unpaid service on a board of directors  
14          of a lender, guarantor, or servicer of educational  
15          loans, provided that the covered institution has  
16          a written conflict of interest policy that clearly  
17          sets forth that such an officer, employee, or agent  
18          must be recused from participating in any deci-  
19          sion of the board with respect to any transaction  
20          regarding educational loans; or

21          “(C) an officer, employee, or agent of a  
22          lender, guarantor, or servicer of educational  
23          loans from serving on a board of directors or  
24          serving as a trustee of a covered institution, pro-  
25          vided that the covered institution has a written

1       *conflict of interest policy that clearly sets forth*  
2       *the procedures to be followed in instances where*  
3       *such a board member’s or trustee’s personal or*  
4       *business interests with respect to educational*  
5       *loans may be advanced by an action of the board*  
6       *of directors or trustees, including a provision*  
7       *that such a board member or trustee may not*  
8       *participate in any decision to approve any*  
9       *transaction where such conflicting interests may*  
10      *be advanced.*

11      “(d) *BAN ON REVENUE SHARING ARRANGEMENTS.—*

12           “(1) *PROHIBITION.—A covered institution shall*  
13      *not enter into any revenue sharing arrangement with*  
14      *any lender.*

15           “(2) *DEFINITION.—For purposes of this sub-*  
16      *section, a revenue sharing arrangement is an ar-*  
17      *rangement between a covered institution and a lender*  
18      *under which—*

19           “(A) *a lender provides or issues educational*  
20      *loans to students attending the institution or to*  
21      *parents of such students; and*

22           “(B)(i) *the institution recommends the lend-*  
23      *er or the loan products of the lender; and*

24           “(ii) *in exchange, the lender pays a fee or*  
25      *provides other material benefits, including rev-*

1            *enue or profit sharing, to the institution or offi-*  
2            *cers, employees, or agents of the institution.*

3            “(e) *BAN ON STAFFING ASSISTANCE.*—

4            “(1) *PROHIBITION.*—*A covered institution shall*  
5            *not request or accept from any lender any assistance*  
6            *with call center staffing or financial aid office staff-*  
7            *ing.*

8            “(2) *CERTAIN ASSISTANCE PERMITTED.*—*Noth-*  
9            *ing in paragraph (1) shall be construed to prohibit a*  
10           *covered institution from requesting or accepting as-*  
11           *sistance from a lender related to—*

12           “(A) *professional development training for*  
13           *financial aid administrators;*

14           “(B) *providing educational counseling ma-*  
15           *terials, financial literacy materials, or debt*  
16           *management materials to borrowers, provided*  
17           *that such materials disclose to borrowers the*  
18           *identification of any lender that assisted in pre-*  
19           *paring or providing such materials; or*

20           “(C) *staffing services on a short-term, non-*  
21           *recurring basis to assist the institution with fi-*  
22           *nancial aid-related functions during emergencies,*  
23           *including State-declared or federally declared*  
24           *natural disasters, federally declared national dis-*

1           *asters, and other localized disasters and emer-*  
2           *gencies identified by the Secretary.*

3           “(f) *PROHIBITION ON OFFERS OF FUNDS FOR PRIVATE*  
4   *LOANS.—*

5           “(1) *PROHIBITION.—A covered institution shall*  
6           *not request or accept from any lender any offer of*  
7           *funds, including any opportunity pool, to be used for*  
8           *private educational loans to students in exchange for*  
9           *the covered institution providing concessions or prom-*  
10          *ises to the lender with respect to such institution pro-*  
11          *viding the lender with a specified number of loans, a*  
12          *specified loan volume, or a preferred lender arrange-*  
13          *ment for any loan made, insured, or guaranteed*  
14          *under title IV, and a lender shall not make any such*  
15          *offer.*

16          “(2) *DEFINITION.—In this subsection, the term*  
17          *‘opportunity pool’ means an educational loan made*  
18          *by a private lender to a student attending the covered*  
19          *institution or the parent of such a student that is in*  
20          *any manner guaranteed by a covered institution, or*  
21          *that involves a payment, directly or indirectly, by*  
22          *such an institution of points, premiums, payments,*  
23          *additional interest, or other financial support to such*  
24          *lender for the purpose of such lender extending credit*

1       to either the students or the parents of students of the  
2       institution.

3       “(g) *BAN ON PARTICIPATION ON ADVISORY COUN-*  
4 *CILS.—An officer, employee, or agent who is employed in*  
5 *the financial aid office of a covered institution, or who oth-*  
6 *erwise has responsibilities with respect to educational loans,*  
7 *shall not serve on or otherwise participate with advisory*  
8 *councils of lenders or affiliates of lenders. Nothing in this*  
9 *subsection shall prohibit lenders from seeking advice from*  
10 *covered institutions or groups of covered institutions (in-*  
11 *cluding through telephonic or electronic means, or a meet-*  
12 *ing) in order to improve products and services for bor-*  
13 *rowers, provided there are no gifts or compensation (includ-*  
14 *ing for transportation, lodging, or related expenses) pro-*  
15 *vided by lenders in connection with seeking this advice from*  
16 *such institutions. Nothing in this subsection shall prohibit*  
17 *an officer, employee, or agent of a covered institution from*  
18 *serving on the board of directors of a lender if required by*  
19 *State law.*

20       **“SEC. 156. COMPLIANCE AND ENFORCEMENT.**

21       “(a) *CONDITION OF ANY FEDERAL ASSISTANCE.—Not-*  
22 *withstanding any other provision of law, a covered institu-*  
23 *tion or lender shall comply with this part as a condition*  
24 *of receiving Federal funds or assistance provided after the*

1 *date of enactment of the College Opportunity and Afford-*  
 2 *ability Act of 2007.*

3 “(b) *PENALTIES.*—*Notwithstanding any other provi-*  
 4 *sion of law, if the Secretary determines, after providing no-*  
 5 *tice and an opportunity for a hearing for a covered institu-*  
 6 *tion or lender, that the covered institution or lender has*  
 7 *violated subsection (a)—*

8 “(1) *in the case of a covered institution, or a*  
 9 *lender that does not participate in a loan program*  
 10 *under title IV, the Secretary may impose a civil pen-*  
 11 *alty in an amount of not more than \$25,000; and*

12 “(2) *in the case of a lender that does participate*  
 13 *in a program under title IV, the Secretary may limit,*  
 14 *terminate, or suspend the lender’s participation in*  
 15 *such program.*

16 “(c) *CONSIDERATIONS.*—*In taking any action against*  
 17 *a covered institution or lender under subsection (b), the Sec-*  
 18 *retary shall take into consideration the nature and severity*  
 19 *of the violation of subsection (a).*

20 **“SEC. 157. STUDENT LOAN COUNSELING.**

21 “(a) *BORROWER CONTACT.*—

22 “(1) *FFEL LOANS.*—*Each holder of a loan under*  
 23 *part B of title IV shall contact the borrower each year*  
 24 *after five years has passed from the date that a bor-*  
 25 *rower first selected either a graduated, extended, in-*



1        *come sensitive, or income contingent repayment plan*  
 2        *to ascertain if the borrower is able to select a repay-*  
 3        *ment plan with a shorter repayment period that*  
 4        *would reduce the total interest paid on the borrower's*  
 5        *loan or loans under this part.*

6                “(2) *DIRECT LOANS.*—*The Secretary shall con-*  
 7        *tact the borrower of each loan under part D or E of*  
 8        *title IV each year after five years has passed from the*  
 9        *date that a borrower first selected either an extended,*  
 10        *graduated, income contingent, or alternative repay-*  
 11        *ment plan to ascertain if the borrower is able to select*  
 12        *a repayment plan for a shorter repayment period that*  
 13        *would reduce the total interest paid on the borrower's*  
 14        *loan under this part.*

15                “(b) *REQUIRED DISCLOSURE BEFORE DISBURSE-*  
 16        *MENT.*—

17                “(1) *DISCLOSURES BEFORE REPAYMENT.*—*Each*  
 18        *lender of a loan under part B of title IV, and the Sec-*  
 19        *retary with respect to each loan under part D or E*  
 20        *of such title, shall provide to the borrower before re-*  
 21        *payment begins an explanation of principal to be bor-*  
 22        *rowed, current balance, interest already paid, and in-*  
 23        *terest due over the life of the loan, options by which*  
 24        *borrowers may avoid or be removed from default, rel-*  
 25        *evant fees associated with these options, and repay-*

1        *ment options available to the borrower entering re-*  
2        *payment, including income contingent repayment*  
3        *and income-based repayment.*

4            *“(2) DISCLOSURES DURING REPAYMENT.—Each*  
5        *lender of a loan under part B of title IV, and the Sec-*  
6        *retary with respect to each loan under part D or E*  
7        *of such title, shall provide to the borrower during re-*  
8        *payment an explanation of principal borrowed, cur-*  
9        *rent balance, interest already paid and interest due*  
10       *over the life of the loan, options by which borrowers*  
11       *may avoid or be removed from default, relevant fees*  
12       *associated with these options, and repayment options*  
13       *available to the borrower entering repayment, includ-*  
14       *ing income contingent repayment and income-based*  
15       *repayment. Each such lender and the Secretary shall*  
16       *also notify any borrower who tells the lender or the*  
17       *Secretary that the borrower is having difficulty mak-*  
18       *ing payments of the repayment options available, in-*  
19       *cluding forbearance. Each such lender and the Sec-*  
20       *retary shall make an explanation of repayment op-*  
21       *tions available to the borrower, including income con-*  
22       *tingent repayment and forbearance, before the loan is*  
23       *disbursed, before repayment, and during repayment if*  
24       *the borrower notifies the lender or the Secretary that*  
25       *the borrower is having difficulty making payments.*

1       “(c) *INSTITUTIONAL COUNSELING.*—

2               “(1) *IN GENERAL.*—*Each institution of higher*  
3       *education shall, through financial aid officers or oth-*  
4       *erwise, make available counseling to borrowers of*  
5       *loans which are made, insured, or guaranteed under*  
6       *part B (other than loans made pursuant to section*  
7       *428B) of this title or made under part D or E of this*  
8       *title prior to their signing the first promissory note.*  
9       *The counseling shall include—*

10               “(A) *average indebtedness of borrowers at*  
11       *that school, to be supplied by the Secretary;*

12               “(B) *sample monthly repayment amounts*  
13       *based on a range of student levels of indebtedness*  
14       *and on the average indebtedness of Stafford loan*  
15       *borrowers at the same school or in the same pro-*  
16       *gram of study at the same school;*

17               “(C) *data to be supplied by the Secretary*  
18       *on starting salaries for graduates of institutions*  
19       *by type and control of institution, and field of*  
20       *study;*

21               “(D) *repayment options available to the*  
22       *borrower when entering repayment, including*  
23       *income contingent repayment and income-based*  
24       *repayment;*

1           “(E) detail to be supplied by the Secretary  
 2           on how interest accrues and is capitalized dur-  
 3           ing periods when it is not being paid by either  
 4           the borrower or the Secretary; and

5           “(F) the likely consequences of default, in-  
 6           cluding adverse credit reports, Federal offset, and  
 7           litigation.

8           “(2) *USE OF ELECTRONIC MEANS.*—If initial  
 9           counseling is conducted through interactive electronic  
 10          means, the institution of higher education shall take  
 11          reasonable steps to ensure that each student borrower  
 12          receives the counseling materials, and participates in  
 13          and completes the initial counseling.

14          “(d) *DEPARTMENT OF EDUCATION INFORMATION DIS-*  
 15          *CLOSURE AND TECHNICAL ASSISTANCE.*—

16               “(1) *OBLIGATION.*—The Secretary shall display  
 17               on the Department of Education website and provide  
 18               to colleges and universities the following information  
 19               to be used for counseling and consumer information  
 20               for prospective borrowers:

21                       “(A) *Regional data on starting salaries in*  
 22                       *all major fields.*

23                       “(B) *The increase in debt that results from*  
 24                       *forbearance on all loans and from capitalization*  
 25                       *of interest on unsubsidized loans.*

1           “(C) *The various repayment options avail-*  
 2           *able in the Federal student loan programs, in-*  
 3           *cluding the availability of the income contingent*  
 4           *repayment (ICR) program and the income-based*  
 5           *repayment programs (IBR).*

6           “(D) *The Federal Government’s powers to*  
 7           *collect student loans, even when student bor-*  
 8           *rowers are in bankruptcy.*

9           “(2) *PUBLICITY.—The Secretary shall make the*  
 10          *location of the information under paragraph (1)*  
 11          *widely known among the public, institutions, and*  
 12          *lenders, and promote the use of such information by*  
 13          *prospective students, enrolled students, and borrowers*  
 14          *after entering repayment.”.*

15   **SEC. 113. FEASIBILITY STUDY FOR NATIONAL ELECTRONIC**  
 16           **STUDENT LOAN MARKETPLACE.**

17          “(a) *STUDY REQUIRED.—The Secretary of Education*  
 18          *shall conduct a study of the feasibility of developing a Na-*  
 19          *tional Electronic Student Loan Marketplace that would*  
 20          *provide for one or more of the following:*

21               “(1) *A registry of real-time information on Fed-*  
 22               *eral student loans (including loans under parts B*  
 23               *and D of title IV of the Higher Education Act of*  
 24               *1965) and private educational loans (as defined in*  
 25               *section 151 such Act of 1965 (as amended by this*

1     *Act)) for both undergraduate and graduate students,*  
2     *and parents of students, for use by prospective bor-*  
3     *rowers or any person desiring information regarding*  
4     *available interest rates, fees, and other terms from*  
5     *lenders.*

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

9             *(3) A mechanism whereby borrowers and student*  
10    *financial aid officials could publicly post or otherwise*  
11    *make available for users accessing the system their*  
12    *comments, opinions, or ratings concerning their expe-*  
13    *rience as to the quality of lenders' loan products and*  
14    *loan servicing and other measurements or indicators*  
15    *of customer satisfaction.*

16            *(4) A mechanism whereby prospective borrowers*  
17    *could be matched with lenders that offer highly com-*  
18    *petitive products and loan servicing quality, includ-*  
19    *ing any procedures and safeguards necessary to mini-*  
20    *mize potentially adverse effects of multiple inquiries*  
21    *into participating borrowers' credit histories recorded*  
22    *by credit reporting agencies.*

23            *(5) Options concerning the establishment and on-*  
24    *going maintenance of such a system, including wheth-*  
25    *er such a system should be operated by one or more*

1        *nonprofit or for-profit entities, how these entities*  
2        *should structure or organize such a system in order*  
3        *to provide the highest assurance of independence from,*  
4        *and the absence of any conflicting interest with, lend-*  
5        *ers participating in such a system, and methods to fi-*  
6        *nance such a system at no or minimal cost to con-*  
7        *sumers and the Government.*

8                *(6) Other features that the Secretary determines*  
9        *could help prospective borrowers make informed deci-*  
10       *sions in selecting lenders from whom to obtain Fed-*  
11       *eral and private educational loans.*

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

15                *(1) the Federal Trade Commission;*

16                *(2) representatives of student loan borrowers;*

17                *(3) representatives from institutions of higher*  
18       *education, including financial aid administrators,*  
19       *registrars, business officers, and student affairs offi-*  
20       *cials;*

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

23                *(5) any other appropriate agency that is a mem-*  
24       *ber of the Financial Literacy and Education Com-*

1        *mission established under the Financial Literacy and*  
 2        *Education Improvement Act (20 U.S.C. 9701 et seq.).*

3        *(c) REPORT.—Not later than 6 months after comple-*  
 4        *tion of the model interest rate report format required under*  
 5        *section 153(a)(1) of the Higher Education Act of 1965 (as*  
 6        *amended by this Act), the Secretary of Education shall sub-*  
 7        *mit a report to the authorizing committees (as defined in*  
 8        *section 103 of such Act) concerning the findings of the feasi-*  
 9        *bility study together with an assessment of the advantages*  
 10        *and disadvantages for consumers, institutions of higher*  
 11        *education, lenders, and the Government of establishing such*  
 12        *a system.*

## 13        ***TITLE II—TITLE II REVISION***

### 14        ***SEC. 201. REVISION OF TITLE II.***

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

## 17        ***“TITLE II—TEACHER QUALITY*** 18        ***ENHANCEMENT***

### 19        ***“SEC. 200. DEFINITIONS.***

20        *“For purposes of this title:*

21                *“(1) ARTS AND SCIENCES.—The term ‘arts and*  
 22        *sciences’ means—*

23                *“(A) when referring to an organizational*  
 24                *unit of an institution of higher education, any*  
 25                *academic unit that offers 1 or more academic*



1        *majors in disciplines or content areas cor-*  
 2        *responding to the academic subject matter areas*  
 3        *in which teachers provide instruction; and*

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

8                *“(2) CHILDREN FROM LOW-INCOME FAMILIES.—*  
 9        *The term ‘children from low-income families’ means*  
 10        *children as described in section 1124(c)(1)(A) of the*  
 11        *Elementary and Secondary Education Act of 1965.*

12                *“(3) CORE ACADEMIC SUBJECTS.—The term ‘core*  
 13        *academic subjects’ has the meaning given the term in*  
 14        *section 9101 of the Elementary and Secondary Edu-*  
 15        *cation Act of 1965.*

16                *“(4) EARLY CHILDHOOD EDUCATION PRO-*  
 17        *GRAM.—The term ‘early childhood education pro-*  
 18        *gram’ means—*

19                *“(A) a Head Start program or an Early*  
 20        *Head Start program carried out under the Head*  
 21        *Start Act (42 U.S.C. 9831 et seq.);*

22                *“(B) a State licensed or regulated child care*  
 23        *program or school; or*

24                *“(C) a State prekindergarten program that*  
 25        *serves children from birth through kindergarten*

1           *and that addresses the children’s cognitive (in-*  
2           *cluding language, early literacy, and pre-*  
3           *numeracy), social, emotional, and physical devel-*  
4           *opment.*

5           “(5) *EARLY CHILDHOOD EDUCATOR.*—*The term*  
6           *‘early childhood educator’ means an individual with*  
7           *primary responsibility for the education of children*  
8           *in an early childhood education program.*

9           “(6) *EDUCATIONAL SERVICE AGENCY.*—*The term*  
10          *‘educational service agency’ has the meaning given*  
11          *the term in section 9101 of the Elementary and Sec-*  
12          *ondary Education Act of 1965.*

13          “(7) *ESSENTIAL COMPONENTS OF READING IN-*  
14          *STRUCTION.*—*The term ‘essential components of read-*  
15          *ing instruction’ has the meaning given such term in*  
16          *section 1208 of the Elementary and Secondary Edu-*  
17          *cation Act of 1965.*

18          “(8) *EXEMPLARY TEACHER.*—*The term ‘exem-*  
19          *plary teacher’ has the meaning given such term in*  
20          *section 9101 of the Elementary and Secondary Edu-*  
21          *cation Act of 1965.*

22          “(9) *HIGH-NEED EARLY CHILDHOOD EDUCATION*  
23          *PROGRAM.*—*The term ‘high-need early childhood edu-*  
24          *cation program’ means an early childhood education*  
25          *program serving children from low-income families*

1       *that is located within the geographic area served by*  
2       *a high-need local educational agency.*

3               “(10) *HIGH-NEED LOCAL EDUCATIONAL AGEN-*  
4       *CY.—The term ‘high-need local educational agency’*  
5       *means a local educational agency—*

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

9               “(ii) *that serves not fewer than 10,000 chil-*  
10              *dren from low-income families; or*

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

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

22              “(ii) *for which there is a high teacher turn-*  
23              *over rate or a high percentage of teachers with*  
24              *emergency, provisional, or temporary certifi-*  
25              *cation or licensure.*

1           “(11) *HIGH-NEED SCHOOL*.—Notwithstanding  
 2           *section 103, the term ‘high-need school’ means a pub-*  
 3           *lic elementary school or public secondary school*  
 4           *that—*

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

10                    “(B) *is designated with a school locale code*  
 11                    *of Rural: Fringe, Rural: Distant, or Rural: Re-*  
 12                    *mote, as determined by the Secretary.*

13           “(12) *HIGHLY COMPETENT*.—The term ‘*highly*  
 14           *competent’*, when used with respect to an early child-  
 15           *hood educator, means an educator—*

16                    “(A) *with specialized education and train-*  
 17                    *ing in development and education of young chil-*  
 18                    *dren from birth until entry into kindergarten;*

19                    “(B) *with—*

20                             “(i) *a baccalaureate degree in an aca-*  
 21                             *demic major in the arts and sciences; or*

22                             “(ii) *an associate’s degree in a related*  
 23                             *educational area; and*

24                    “(C) *who has demonstrated a high level of*  
 25                    *knowledge and use of content and pedagogy in*

1           *the relevant areas associated with quality early*  
2           *childhood education.*

3           “(13) *HIGHLY QUALIFIED.*—*The term ‘highly*  
4           *qualified’ has the meaning given such term in section*  
5           *9101 of the Elementary and Secondary Education*  
6           *Act of 1965 and, with respect to special education*  
7           *teachers, in section 602 of the Individuals with Dis-*  
8           *abilities Education Act.*

9           “(14) *LITERACY COACH.*—*The term ‘literacy*  
10          *coach’ means an individual—*

11               “(A) *who—*

12                       “(i) *has teaching experience and a*  
13                       *master’s degree with a concentration in*  
14                       *reading and writing education; and*

15                       “(ii) *has demonstrated proficiency (as*  
16                       *determined by the principal of the individ-*  
17                       *ual’s school) in teaching reading and writ-*  
18                       *ing in a content area such as math, science,*  
19                       *or social studies;*

20               “(B) *whose primary role with teachers and*  
21               *school personnel is—*

22                       “(i) *to provide high-quality profes-*  
23                       *sional development opportunities for teach-*  
24                       *ers and school personnel related to literacy;*

1                   “(ii) with respect to the areas of read-  
 2                   ing and writing, to collaborate with para-  
 3                   professionals, teachers, principals, and other  
 4                   administrators, and the community served  
 5                   by the school; and

6                   “(iii) to work cooperatively and col-  
 7                   laboratively with other professionals in  
 8                   planning programs to meet the needs of di-  
 9                   verse population learners, including chil-  
 10                  dren with disabilities and limited English  
 11                  proficient individuals; and

12                  “(C) who may provide students with—

13                   “(i) reading or writing diagnosis and  
 14                   instruction; and

15                   “(ii) reading and writing assessment,  
 16                   including assessment in cooperation with  
 17                   other professionals (such as special edu-  
 18                   cation teachers, speech and language teach-  
 19                   ers, and school psychologists).

20                  “(15) *POVERTY LINE*.—The term ‘poverty line’  
 21                  means the poverty line (as defined in section 673(2)  
 22                  of the Community Services Block Grant Act (42  
 23                  U.S.C. 9902(2))) applicable to a family of the size in-  
 24                  volved.

1           “(16) *PROFESSIONAL DEVELOPMENT*.—The term  
 2           ‘professional development’ has the meaning given the  
 3           term in section 9101 of the *Elementary and Sec-*  
 4           *ondary Education Act of 1965.*

5           “(17) *SCIENTIFICALLY VALID RESEARCH*.—The  
 6           term ‘scientifically valid research’ includes applied  
 7           research, basic research, and field-initiated research  
 8           in which the rationale, design, and interpretation are  
 9           soundly developed in accordance with accepted prin-  
 10          ciples of scientific research.

11          “(18) *TEACHING SKILLS*.—The term ‘teaching  
 12          skills’ means skills that enable a teacher to—

13               “(A) increase student learning, achievement,  
 14               and the ability to apply knowledge;

15               “(B) effectively convey and explain aca-  
 16               demic subject matter;

17               “(C) employ strategies grounded in the dis-  
 18               ciplines of teaching and learning that—

19                       “(i) are based on empirically based  
 20                       practice and scientifically valid research,  
 21                       where applicable, related to teaching and  
 22                       learning;

23                       “(ii) are specific to academic subject  
 24                       matter; and

1                   “(iii) focus on the identification of stu-  
2                   dents’ specific learning needs, particularly  
3                   students with disabilities, students who are  
4                   limited English proficient, students who are  
5                   gifted and talented, and students with low  
6                   literacy levels, and the tailoring of academic  
7                   instruction to such needs;

8                   “(D) conduct an ongoing assessment of stu-  
9                   dent learning, which may include the use of  
10                  formative assessments, performance-based assess-  
11                  ments, project-based assessments, or portfolio as-  
12                  sessments, that measure higher-order thinking  
13                  skills, including application, analysis, synthesis,  
14                  and evaluation;

15                  “(E) effectively manage a classroom, includ-  
16                  ing the ability to implement positive behavioral  
17                  intervention support strategies;

18                  “(F) communicate and work with parents  
19                  and guardians, and involve parents and guard-  
20                  ians in their children’s education; and

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



1   **“SEC. 200A. RULE OF CONSTRUCTION.**

2           “Nothing in this title shall be construed to alter or oth-  
3   erwise affect the rights, remedies, and procedures afforded  
4   to the employees of local educational agencies under Fed-  
5   eral, State, or local laws (including applicable regulations  
6   or court orders) or under the terms of collective bargaining  
7   agreements, memoranda of understanding, or other agree-  
8   ments between such employees and their employers, includ-  
9   ing the right of employees of local educational agencies to  
10  engage in collective bargaining with their employers.

11 **“PART A—TEACHER QUALITY PARTNERSHIP**  
12 **GRANTS**

13 **“SEC. 201. PURPOSES; DEFINITIONS.**

14      “(a) *PURPOSES.*—The purposes of this part are to—

15                   “(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;*

20 “(3) hold teacher preparation programs at insti-  
21 tutions of higher education accountable for preparing  
22 highly qualified teachers; and

23 “(4) recruit highly qualified individuals, includ-  
24 ing minorities and individuals from other occupa-  
25 tions, into the teaching force.

26           “(b) *DEFINITIONS.*—*In this part:*

1           “(1) *ELIGIBLE PARTNERSHIP*.—The term ‘*eligi-*  
2       *ble partnership*’ means an entity that—

3           “(A) *shall include—*

4               “(i) *a high-need local educational*  
5       *agency;*

6               “(ii) *a high-need school or a consor-*  
7       *tium of high-need schools served by the high-*  
8       *need local educational agency or, as appli-*  
9       *cable, a high-need early childhood education*  
10      *program;*

11              “(iii) *a partner institution;*

12              “(iv) *a school, department, or program*  
13      *of education within such partner institution*  
14      *or a teacher professional development pro-*  
15      *gram within such partner institution; and*

16              “(v) *a school or department of arts and*  
17      *sciences within such partner institution;*  
18      *and*

19              “(B) *may include any of the following:*

20                  “(i) *The Governor of the State.*

21                  “(ii) *The State educational agency.*

22                  “(iii) *The State board of education.*

23                  “(iv) *The State agency for higher edu-*  
24      *cation.*

25                  “(v) *A business.*

1 “(vi) A public or private nonprofit  
2 educational organization.

3 “(vii) An educational service agency.

4 “(viii) A teacher organization.

5 “(ix) A high-performing local edu-  
6 cational agency, or a consortium of such  
7 local educational agencies, that can serve as  
8 a resource to the partnership.

9 “(x) A charter school (as defined in  
10 section 5210 of the Elementary and Sec-  
11 ondary Education Act of 1965).

12 “(xi) A school or department within  
13 the partner institution that focuses on psy-  
14 chology and human development.

15 “(xii) A school or department within  
16 the partner institution with comparable ex-  
17 pertise in the disciplines of teaching, learn-  
18 ing, and child and adolescent development.

19 “(xiii) An entity operating a program  
20 that provides alternative routes to State cer-  
21 tification of teachers.

22 “(2) INDUCTION PROGRAM.—The term ‘induction  
23 program’ means a formalized program for new teach-  
24 ers during not less than the teachers’ first 2 years of  
25 teaching that is designed to provide support for, and

1 *improve the professional performance and advance the*  
2 *retention in the teaching field of, beginning teachers.*  
3 *Such program shall promote effective teaching skills*  
4 *and shall include the following components:*

5 *“(A) High-quality teacher mentoring.*

6 *“(B) Periodic, structured time for collabora-*  
7 *tion with mentor teachers in the same depart-*  
8 *ment or field, as well as time for information-*  
9 *sharing among teachers, principals, administra-*  
10 *tors, and participating faculty in the partner in-*  
11 *stitution.*

12 *“(C) The application of empirically based*  
13 *practice and scientifically valid research on in-*  
14 *structional practices.*

15 *“(D) Opportunities for new teachers to*  
16 *draw directly upon the expertise of teacher men-*  
17 *tors, faculty, and researchers to support the inte-*  
18 *gration of empirically based practice and sci-*  
19 *entifically valid research with practice.*

20 *“(E) The development of skills in instruc-*  
21 *tional and behavioral interventions derived from*  
22 *empirically based practice and, where applicable,*  
23 *scientifically valid research.*

24 *“(F) Faculty who—*

1                   “(i) model the integration of research  
2                   and practice in the classroom; and

3                   “(ii) assist new teachers with the effec-  
4                   tive use and integration of technology in the  
5                   classroom.

6                   “(G) Interdisciplinary collaboration among  
7                   exemplary teachers, faculty, researchers, and  
8                   other staff who prepare new teachers with respect  
9                   to the learning process and the assessment of  
10                  learning.

11                  “(H) Assistance with the understanding of  
12                  data, particularly student achievement data, and  
13                  the data’s applicability in classroom instruction.

14                  “(I) Structured and formal observation of  
15                  new teachers, and feedback for such teachers, at  
16                  least 4 times each school year by multiple eval-  
17                  uators, including master teachers and the prin-  
18                  cipal, using valid and reliable benchmarks of  
19                  teaching skills and standards developed with  
20                  input from teachers.

21                  “(3) PARTNER INSTITUTION.—The term ‘partner  
22                  institution’ means an institution of higher education,  
23                  which may include a 2-year institution of higher edu-  
24                  cation offering a dual program with a 4-year institu-  
25                  tion of higher education, participating in an eligible

1       *partnership that has a teacher preparation pro-*  
2       *gram—*

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 prospec-*  
12       *tive teacher’s subject matter knowledge in*  
13       *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; or*

1                   “(B) that requires—

2                   “(i) each student in the program to  
3                   meet and demonstrate high academic stand-  
4                   ards (including prior to entering and being  
5                   accepted into a program) and participate  
6                   in intensive clinical experience;

7                   “(ii) each student in the program pre-  
8                   paring to become a teacher to become highly  
9                   qualified; and

10                  “(iii) each student in the program pre-  
11                  paring to become an early childhood educa-  
12                  tor to meet degree requirements, as estab-  
13                  lished by the State, and become highly com-  
14                  petent.

15                  “(4) *TEACHER MENTORING.*—The term ‘teacher  
16                  mentoring’ means the mentoring of new or prospective  
17                  teachers through a new or established program that—

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

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

1           “(C) provides regular and ongoing opportu-  
2           nities for mentors and mentees to observe each  
3           other’s teaching methods in classroom settings  
4           during the day in a high-need school in the high-  
5           need local educational agency in the eligible  
6           partnership;

7           “(D) provides paid release time for mentors;

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

11          “(F) promotes empirically based practice of,  
12          and scientifically valid research on, where appli-  
13          cable—

14               “(i) teaching and learning;

15               “(ii) assessment of student learning;

16               “(iii) the development of teaching skills  
17               through the use of instructional and behav-  
18               ioral interventions; and

19               “(iv) the improvement of the mentees’  
20               capacity to measurably advance student  
21               learning; and

22          “(G) includes—

23               “(i) common planning time or regu-  
24               larly scheduled collaboration for the mentor  
25               and mentee; and



1                   “(ii) joint professional development op-  
2                   portunities.

3                   “(5) *TEACHING RESIDENCY PROGRAM.*—The  
4                   term ‘teaching residency program’ means a school-  
5                   based teacher preparation program in which a pro-  
6                   spective teacher—

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

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

16                  “(C) acquires effective teaching skills; and

17                  “(D) prior to completion of the program,  
18                  earns a master’s degree, attains full State teacher  
19                  certification or licensure, and becomes highly  
20                  qualified.

21   **“SEC. 202. PARTNERSHIP GRANTS.**

22                  “(a) *PROGRAM AUTHORIZED.*—From amounts made  
23                  available under section 209, the Secretary is authorized to  
24                  award grants, on a competitive basis, to eligible partner-

1 *ships, to enable the eligible partnerships to carry out the*  
2 *activities described in subsection (c).*

3       “(b) *APPLICATION.—Each eligible partnership desir-*  
4 *ing a grant under this section shall submit an application*  
5 *to the Secretary at such time, in such manner, and accom-*  
6 *panied by such information as the Secretary may require.*  
7 *Each such application shall contain—*

8               “(1) *a needs assessment of all the partners in the*  
9 *eligible partnership with respect to the preparation,*  
10 *ongoing training, professional development, and re-*  
11 *tention, of general and special education teachers,*  
12 *principals, and, as applicable, early childhood edu-*  
13 *cators;*

14               “(2) *a description of the extent to which the pro-*  
15 *gram prepares prospective and new teachers with*  
16 *strong teaching skills;*

17               “(3) *a description of how the program will pre-*  
18 *pare prospective and new teachers to use research and*  
19 *data to modify and improve instruction in the class-*  
20 *room;*

21               “(4) *a description of how the partnership will*  
22 *coordinate strategies and activities assisted under the*  
23 *grant with other teacher preparation or professional*  
24 *development programs, including those funded under*  
25 *the Elementary and Secondary Education Act of*

1     *1965 and the Individuals with Disabilities Education*  
2     *Act, and through the National Science Foundation,*  
3     *and how the activities of the partnership will be con-*  
4     *sistent with State, local, and other education reform*  
5     *activities that promote student achievement;*

6             *“(5) a resource assessment that describes the re-*  
7     *sources available to the partnership, including—*

8                 *“(A) the integration of funds from other*  
9     *sources;*

10                *“(B) the intended use of the grant funds;*

11                *“(C) the commitment of the resources of the*  
12     *partnership, including financial support, faculty*  
13     *participation, and time commitments, to the ac-*  
14     *tivities assisted under this section and to the*  
15     *continuation of the activities when the grant*  
16     *ends;*

17             *“(6) a description of—*

18                 *“(A) how the partnership will meet the pur-*  
19     *poses of this part;*

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

24                 *“(C) the partnership’s evaluation plan*  
25     *under section 204(a);*

1           “(D) how the partnership will align the  
2 teacher preparation program with the—

3           “(i) State early learning standards for  
4 early childhood education programs, as ap-  
5 propriate, and with the relevant domains of  
6 early childhood development; and

7           “(ii) student academic achievement  
8 standards and academic content standards  
9 under section 1111(b)(2) of the Elementary  
10 and Secondary Education Act of 1965, es-  
11 tablished by the State in which the partner-  
12 ship is located;

13           “(E) how the partnership will prepare gen-  
14 eral education teachers to teach students with  
15 disabilities, including training related to par-  
16 ticipation as a member of individualized edu-  
17 cation program teams, as defined in section  
18 614(d)(1)(B) of the Individuals with Disabilities  
19 Education Act;

20           “(F) how the partnership will prepare gen-  
21 eral education and special education teachers to  
22 teach students with limited English proficiency;

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

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

4                *“(H) how the partnership will design, im-*  
5        *plement, or enhance a year-long, rigorous, and*  
6        *enriching teaching pre-service clinical program*  
7        *component;*

8                *“(I) how the partnership will support in-*  
9        *service professional development strategies and*  
10       *activities; and*

11               *“(J) how the partnership will collect, ana-*  
12       *lyze, and use data on the retention of all teachers*  
13       *and early childhood educators in schools and*  
14       *early childhood programs located in the geo-*  
15       *graphic area served by the partnership to evalu-*  
16       *ate the effectiveness of the partnership’s teacher*  
17       *and educator support system; and*

18               *“(7) with respect to the induction program re-*  
19       *quired as part of the activities carried out under this*  
20       *section—*

21               *“(A) a description of how the teacher prepa-*  
22       *ration program will design and implement an*  
23       *induction program to support all new teachers*  
24       *through not less than the first 2 years of teaching*  
25       *in the further development of the new teachers’*

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

4               “(B) a demonstration that the schools and  
5       *departments within the institution of higher edu-*  
6       *cation that are part of the induction program*  
7       *have relevant and essential roles in the effective*  
8       *preparation of teachers, including content exper-*  
9       *tise and expertise in teaching;*

10              “(C) a demonstration of the partnership’s  
11       *capability and commitment to the use of empiri-*  
12       *cally based practice and scientifically valid re-*  
13       *search related to teaching and learning, and the*  
14       *accessibility to and involvement of faculty;*

15              “(D) a description of how faculty involved  
16       *in the induction program will be able to substan-*  
17       *tially participate in an early childhood edu-*  
18       *cation program or an elementary or secondary*  
19       *school classroom setting, as applicable, including*  
20       *release time and receiving workload credit for*  
21       *such participation.*

22       “(c) *REQUIRED USE OF GRANT FUNDS.*—An eligible  
23       *partnership that receives a grant under this section shall*  
24       *use grant funds to carry out a program for the pre-bacca-*  
25       *laureate preparation of teachers under subsection (d), a*

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

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

9 “(1) *REFORMS.*—

10 “(A) *IN GENERAL.*—*Implementing reforms,*  
 11 *described in subparagraph (B), within each*  
 12 *teacher preparation program and, as applicable,*  
 13 *each preparation program for early childhood*  
 14 *education programs, of the eligible partnership*  
 15 *that is assisted under this section, to hold each*  
 16 *program accountable for—*

17 “(i) *preparing—*

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

1                   *Placement or International Bacca-*  
2                   *laureate courses);*

3                   “(II) *such teachers and, as appli-*  
4                   *cable, early childhood educators, to un-*  
5                   *derstand empirically based practice*  
6                   *and scientifically valid research related*  
7                   *to teaching and learning and its appli-*  
8                   *cability, and to use technology effec-*  
9                   *tively, including the use of instruc-*  
10                  *tional techniques and positive behav-*  
11                  *ioral support strategies to improve stu-*  
12                  *dent achievement; and*

13                  “(III) *as applicable, early child-*  
14                  *hood educators to be highly competent;*  
15                  *and*

16                  “(ii) *promoting strong teaching skills*  
17                  *and, as applicable, techniques for early*  
18                  *childhood educators to improve children’s*  
19                  *cognitive, social, emotional, and physical*  
20                  *development.*

21                  “(B) *REQUIRED REFORMS.—The reforms*  
22                  *described in subparagraph (A) shall include—*

23                  “(i) *implementing teacher preparation*  
24                  *program curriculum changes that improve,*



1 *evaluate, and assess how well all prospective*  
2 *and new teachers develop teaching skills;*

3 *“(ii) using empirically based practice*  
4 *and scientifically valid research, where ap-*  
5 *plicable, about the disciplines of teaching*  
6 *and learning so that all prospective teachers*  
7 *and, as applicable, early childhood edu-*  
8 *cators—*

9 *“(I) can understand and imple-*  
10 *ment research-based teaching practices*  
11 *in classroom-based instruction;*

12 *“(II) have knowledge of student*  
13 *learning methods;*

14 *“(III) possess skills to analyze*  
15 *student academic achievement data*  
16 *and other measures of student learn-*  
17 *ing, and use such data and measures*  
18 *to improve instruction in the class-*  
19 *room;*

20 *“(IV) possess teaching skills and*  
21 *an understanding of effective instruc-*  
22 *tional strategies across all applicable*  
23 *content areas that enable general and*  
24 *special education teachers and early*  
25 *childhood educators to—*

1                   “(aa) meet the specific learn-  
2                   ing needs of all students, includ-  
3                   ing students with disabilities, stu-  
4                   dents who are limited English  
5                   proficient, students who are gifted  
6                   and talented, students with low  
7                   literacy levels and, as applicable,  
8                   children in early childhood edu-  
9                   cation programs; and

10                   “(bb) differentiate instruc-  
11                   tion for such students;

12                   “(V) can effectively participate in  
13                   the individualized education program  
14                   process, as defined in section  
15                   614(d)(1)(B) of the Individuals with  
16                   Disabilities Education Act; and

17                   “(VI) can successfully employ ef-  
18                   fective strategies for reading instruc-  
19                   tion using the essential components of  
20                   reading instruction;

21                   “(iii) ensuring collaboration with de-  
22                   partments, programs, or units of a partner  
23                   institution outside of the teacher prepara-  
24                   tion program in all academic content areas  
25                   to ensure that new teachers receive training

1           *in both teaching and relevant content areas*  
2           *in order to become highly qualified, which*  
3           *may include training in multiple subjects to*  
4           *teach multiple grade levels as may be need-*  
5           *ed for individuals preparing to teach in*  
6           *rural communities;*

7                     *“(iv) developing and implementing an*  
8                     *induction program;*

9                     *“(v) developing admissions goals and*  
10                    *priorities aligned with the hiring objectives*  
11                    *of the high-need local educational agency in*  
12                    *the eligible partnership; and*

13                    *“(vi) implementing program cur-*  
14                    *riculum changes to prepare teachers to teach*  
15                    *Advanced Placement or International Bac-*  
16                    *calaureate courses.*

17                    “(2) *CLINICAL EXPERIENCE AND INTERACTION.—*

18           *Developing and improving a sustained and high-qual-*  
19           *ity pre-service clinical education program to further*  
20           *develop the teaching skills of all prospective teachers*  
21           *and, as applicable, early childhood educators, in-*  
22           *volved in the program. Such program shall do the fol-*  
23           *lowing:*

1           “(A) Incorporate year-long opportunities for  
2           enrichment activity or a combination of activi-  
3           ties, including—

4                   “(i) clinical learning in classrooms in  
5                   high-need schools served by the high-need  
6                   local educational agency in the eligible  
7                   partnership and identified by the eligible  
8                   partnership; and

9                   “(ii) closely supervised interaction be-  
10                  tween faculty and new and experienced  
11                  teachers, principals, and other administra-  
12                  tors at early childhood education programs  
13                  (as applicable), elementary schools, or sec-  
14                  ondary schools, and providing support for  
15                  such interaction.

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

21           “(C) Provide high-quality teacher men-  
22           toring.

23           “(D)(i) Be offered over the course of a pro-  
24           gram of teacher preparation;

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

4           “(iii) where feasible, allow prospective  
5           teachers to learn to teach in the same school dis-  
6           trict in which the teachers will work, learning  
7           the instructional initiatives and curriculum of  
8           that district.

9           “(E) Provide support and training for those  
10          individuals participating in an activity for pro-  
11          spective teachers described in this paragraph or  
12          paragraph (1) or (3), and for those who serve as  
13          mentors for such teachers, based on each individ-  
14          ual’s experience. Such support may include—

15               “(i) with respect to a prospective teach-  
16               er or a mentor, release time for such indi-  
17               vidual’s participation;

18               “(ii) with respect to a faculty member,  
19               receiving course workload credit and com-  
20               pensation for time teaching in the eligible  
21               partnership’s activities; and

22               “(iii) with respect to a mentor, a sti-  
23               pend, which may include bonus, differen-  
24               tial, incentive, or merit or performance-  
25               based pay.

1           “(3) *INDUCTION PROGRAMS FOR NEW TEACH-*  
 2           *ERS.—Creating an induction program for new teach-*  
 3           *ers, or, in the case of an early childhood education*  
 4           *program, providing mentoring or coaching for new*  
 5           *early childhood educators.*

6           “(4) *SUPPORT AND TRAINING FOR PARTICIPANTS*  
 7           *IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In*  
 8           *the case of an eligible partnership focusing on early*  
 9           *childhood educator preparation, implementing initia-*  
 10           *tives that increase compensation for early childhood*  
 11           *educators who attain associate or baccalaureate de-*  
 12           *grees in early childhood education.*

13           “(5) *TEACHER RECRUITMENT.—Developing and*  
 14           *implementing effective mechanisms (which may in-*  
 15           *clude alternative routes to State certification of teach-*  
 16           *ers) to ensure that the eligible partnership is able to*  
 17           *recruit qualified individuals to become highly quali-*  
 18           *fied teachers through the activities of the eligible part-*  
 19           *nership, which may include an emphasis on recruit-*  
 20           *ing into the teaching profession—*

21                     “(A) *underrepresented populations;*

22                     “(B) *individuals to teach in rural commu-*  
 23                     *nities and teacher shortage areas, including*  
 24                     *mathematics, science, special education, and in-*

struction 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 literacy coaches that—

“(A) provides teacher training in reading instruction for 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;

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

5           “(D) provides training and professional de-  
6           velopment for principals to prepare them to un-  
7           derstand the teaching of reading, guide instruc-  
8           tion, and foster school improvement; and

9           “(E) establishes an evaluation and account-  
10          ability plan for activities conducted under this  
11          paragraph to measure the impact of such activi-  
12          ties.

13          “(e) *PARTNERSHIP GRANTS FOR THE ESTABLISHMENT*  
14          *OF TEACHING RESIDENCY PROGRAMS.*—

15               “(1) *IN GENERAL.*—An eligible partnership re-  
16          ceiving a grant to carry out an effective teaching resi-  
17          dency program shall carry out a program that in-  
18          cludes all of the following activities:

19               “(A) Supporting a teaching residency pro-  
20          gram described in paragraph (2) for high-need  
21          subjects and areas, as determined by the needs of  
22          the high-need local educational agency in the  
23          partnership.

24               “(B) Modifying staffing procedures to pro-  
25          vide greater flexibility for local educational agen-



cy and school leaders to establish effective school-level staffing in order to facilitate placement of 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-

1        *need schools in the eligible partnership, and shall*  
2        *be designed to include the following characteris-*  
3        *tics of successful programs:*

4                *“(i) The integration of pedagogy, class-*  
5                *room practice, and teacher mentoring.*

6                *“(ii) Engagement of teaching residents*  
7                *in rigorous graduate-level course work to*  
8                *earn a master’s degree while undertaking a*  
9                *guided teaching apprenticeship.*

10               *“(iii) Experience and learning oppor-*  
11               *tunities alongside a trained and experienced*  
12               *mentor teacher—*

13               *“(I) whose teaching shall com-*  
14               *plement the residency program so that*  
15               *classroom clinical practice is tightly*  
16               *aligned with course work;*

17               *“(II) who shall have extra respon-*  
18               *sibilities as a teacher leader of the*  
19               *teaching residency program, as a men-*  
20               *tor for residents, and as a teacher*  
21               *coach during the induction program*  
22               *for novice teachers, and for estab-*  
23               *lishing, within the program, a learning*  
24               *community in which all individuals*  
25               *are expected to continually improve*

1           *their capacity to advance student*  
2           *learning; and*

3           “(III) *who may have full relief*  
4           *from teaching duties as a result of such*  
5           *additional responsibilities.*

6           “(iv) *The establishment of clear cri-*  
7           *teria for the selection of mentor teachers*  
8           *based on measures of teacher effectiveness*  
9           *and the appropriate subject area knowledge.*  
10          *Evaluation of teacher effectiveness shall be*  
11          *based on observations of such domains of*  
12          *teaching as the following:*

13           “(I) *Planning and preparation,*  
14           *including demonstrated knowledge of*  
15           *content, pedagogy, and assessment, in-*  
16           *cluding the use of formative assess-*  
17           *ments to improve student learning.*

18           “(II) *Appropriate instruction that*  
19           *engages students with different learn-*  
20           *ing styles, including students with dis-*  
21           *abilities.*

22           “(III) *Collaboration with col-*  
23           *leagues to improve instruction.*

24           “(IV) *Analysis of gains in student*  
25           *learning, based on multiple measures,*

1                   *that, when feasible, may include valid*  
2                   *and reliable objective measures of the*  
3                   *influence of teachers on the rate of stu-*  
4                   *dent academic progress.*

5                   “(V) *In the case of mentor can-*  
6                   *didates who will be mentoring current*  
7                   *or future literacy and mathematics*  
8                   *coaches or instructors, appropriate*  
9                   *skills in the essential components of*  
10                  *reading instruction, teacher training*  
11                  *in literacy instructional strategies*  
12                  *across core subject areas, and teacher*  
13                  *training in mathematics instructional*  
14                  *strategies, as appropriate.*

15                  “(v) *Grouping of teaching residents in*  
16                  *cohorts to facilitate professional collabora-*  
17                  *tion among such residents.*

18                  “(vi) *The development of admissions*  
19                  *goals and priorities aligned with the hiring*  
20                  *objectives of the local educational agency*  
21                  *partnering with the program, as well as the*  
22                  *instructional initiatives and curriculum of*  
23                  *the agency, in exchange for a commitment*  
24                  *by the agency to hire graduates from the*  
25                  *teaching residency program.*

1           “(vii) *Support for residents, once the*  
 2           *teaching residents are hired as teachers of*  
 3           *record, through an induction program, pro-*  
 4           *fessional development, and networking op-*  
 5           *portunities to support the residents through*  
 6           *not less than the residents’ first 2 years of*  
 7           *teaching.*

8           “(viii) *Admission goals and priorities*  
 9           *which may include consideration of appli-*  
 10          *cants who reflect the communities in which*  
 11          *they will teach as well as consideration of*  
 12          *individuals from underrepresented popu-*  
 13          *lations in the teaching profession.*

14          “(B) *SELECTION OF INDIVIDUALS AS*  
 15          *TEACHER RESIDENTS.—*

16               “(i) *ELIGIBLE INDIVIDUAL.—In order*  
 17               *to be eligible to be a teacher resident in a*  
 18               *teaching residency program under this sub-*  
 19               *section, an individual shall—*

20                       “(I) *be a recent graduate of a 4-*  
 21                       *year institution of higher education or*  
 22                       *a mid-career professional from outside*  
 23                       *the field of education possessing strong*  
 24                       *content knowledge or a record of pro-*  
 25                       *fessional accomplishment; and*

1                   “(II) submit an application to the  
2                   teaching residency program.

3                   “(ii) *SELECTION CRITERIA.*—An eligi-  
4                   ble partnership carrying out a teaching  
5                   residency program under this subsection  
6                   shall establish criteria for the selection of el-  
7                   igible individuals to participate in the  
8                   teaching residency program based on the  
9                   following characteristics:

10                   “(I) Strong content knowledge or  
11                   record of accomplishment in the field  
12                   or subject area to be taught.

13                   “(II) Strong verbal and written  
14                   communication skills, which may be  
15                   demonstrated by performance on ap-  
16                   propriate tests.

17                   “(III) Other attributes linked to  
18                   effective teaching, which may be deter-  
19                   mined by interviews or performance  
20                   assessments, as specified by the eligible  
21                   partnership.

22                   “(C) *STIPEND AND SERVICE REQUIRE-*  
23                   *MENT.*—

24                   “(i) *STIPEND.*—A teaching residency  
25                   program under this paragraph shall provide

1           *a 1-year living stipend or salary to teach-*  
 2           *ing residents during the 1-year teaching*  
 3           *residency program.*

4           “(ii) *SERVICE REQUIREMENT.*—*As a*  
 5           *condition of receiving a stipend under this*  
 6           *subparagraph, a teaching resident shall*  
 7           *agree to teach in a high-need school served*  
 8           *by the high-need local educational agency in*  
 9           *the eligible partnership for a period of 3 or*  
 10           *more years after completing the 1-year*  
 11           *teaching residency program.*

12           “(iii) *REPAYMENT.*—*If a teaching resi-*  
 13           *dent who received a stipend under this sub-*  
 14           *paragraph does not complete the service re-*  
 15           *quirement described in clause (ii), such in-*  
 16           *dividual shall repay to the high-need local*  
 17           *educational agency a pro rata portion of*  
 18           *the stipend amount for the amount of teach-*  
 19           *ing time that the individual did not com-*  
 20           *plete.*

21           “(f) *PARTNERSHIP GRANTS FOR THE DEVELOPMENT*  
 22           *OF LEADERSHIP PROGRAMS.*—

23           “(1) *IN GENERAL.*—*An eligible partnership re-*  
 24           *ceiving a grant to carry out an effective leadership*

1        *program shall carry out a program that includes all*  
2        *of the following activities:*

3                *“(A) Preparing students currently enrolled*  
4                *or preparing to enroll in education administra-*  
5                *tion programs in preparation for careers as su-*  
6                *perintendents, principals, or other school admin-*  
7                *istrators (including students preparing to work*  
8                *in rural school districts who may perform mul-*  
9                *tiple duties in addition to the role of adminis-*  
10               *trator).*

11               *“(B) Promoting strong administrative skills*  
12               *and, as applicable, techniques for education ad-*  
13               *ministrators to improve the school environment*  
14               *and effectively manage schools.*

15               *“(C) Ensuring that students who partici-*  
16               *pate in the leadership program receive—*

17                        *“(i) effective pre-service preparation as*  
18                        *described in subparagraph (D); and*

19                        *“(ii) mentoring by educational admin-*  
20                        *istrators.*

21               *“(D) Developing and improving a sustained*  
22               *and high-quality pre-service clinical education*  
23               *program to further develop the leadership skills*  
24               *of all prospective educational administrators in-*



1           *involved in the program. Such program shall do*  
2           *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 part-*  
9                           *nership and identified by the eligible*  
10                           *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 part-*  
17                           *nership and identified by the eligible*  
18                           *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.*

1           “(E) *Creating an induction program for*  
2           *new administrators.*

3           “(F) *Developing and implementing effective*  
4           *mechanisms to ensure that the eligible partner-*  
5           *ship is able to recruit qualified individuals to be-*  
6           *come educational administrators through the ac-*  
7           *tivities of the eligible partnership, which may in-*  
8           *clude an emphasis on recruiting into the edu-*  
9           *cation administration profession—*

10           “(i) *underrepresented populations;*

11           “(ii) *individuals to serve as super-*  
12           *intendents, principals, or other school ad-*  
13           *ministrators in rural and geographically*  
14           *isolated communities and shortage areas*  
15           *designated by the Secretary; or*

16           “(iii) *mid-career professionals from*  
17           *other occupations, former military per-*  
18           *sonnel, and recent college graduates with*  
19           *proven records of academic distinction.*

20           “(2) *SELECTION OF INDIVIDUALS FOR THE*  
21           *LEADERSHIP PROGRAM.—In order to be eligible for*  
22           *the leadership program under this subsection, an in-*  
23           *dividual shall—*

24           “(A) *be enrolled in or preparing to enroll in*  
25           *an institution of higher education, or a recent*

1       graduate of an institution of higher education, or  
 2       a mid-career professional from outside the field  
 3       of education possessing strong content knowledge  
 4       or a record of professional accomplishment;

5               “(B) be current teachers who would like to  
 6       become principals or principals who would like  
 7       to be superintendents; and

8               “(C) submit an application to the leader-  
 9       ship program.

10       “(g) CONSULTATION.—

11               “(1) IN GENERAL.—Members of an eligible part-  
 12       nership that receives a grant under this section shall  
 13       engage in regular consultation throughout the develop-  
 14       ment and implementation of programs and activities  
 15       under this section.

16               “(2) REGULAR COMMUNICATION.—To ensure  
 17       timely and meaningful consultation, regular commu-  
 18       nication shall occur among all members of the eligible  
 19       partnership, including the high-need local educational  
 20       agency. Such communication shall continue through-  
 21       out the implementation of the grant and the assess-  
 22       ment of programs and activities under this section.

23               “(3) WRITTEN CONSENT.—The Secretary may  
 24       approve changes in grant activities of a grant under  
 25       this section only if a written consent signed by all

1        *members of the eligible partnership is submitted to the*  
 2        *Secretary.*

3        “(h) *CONSTRUCTION.—Nothing in this section shall be*  
 4        *construed to prohibit an eligible partnership from using*  
 5        *grant funds to coordinate with the activities of eligible part-*  
 6        *nerships in other States or on a regional basis through Gov-*  
 7        *ernors, State boards of education, State educational agen-*  
 8        *cies, State agencies responsible for early childhood edu-*  
 9        *cation, local educational agencies, or State agencies for*  
 10       *higher education.*

11       “(i) *SUPPLEMENT, NOT SUPPLANT.—Funds made*  
 12       *available to carry out this section shall be used to supple-*  
 13       *ment, and not supplant, other Federal, State, and local*  
 14       *funds that would otherwise be expended to carry out activi-*  
 15       *ties under this section.*

16       **“SEC. 203. ADMINISTRATIVE PROVISIONS.**

17       “(a) *DURATION; NUMBER OF AWARDS; PAYMENTS.—*

18                “(1) *DURATION.—A grant awarded under this*  
 19       *part shall be awarded for a period of 5 years.*

20                “(2) *NUMBER OF AWARDS.—An eligible partner-*  
 21       *ship may not receive more than 1 grant during a 5-*  
 22       *year period. Nothing in this title shall be construed*  
 23       *to prohibit an individual member, that can dem-*  
 24       *onstrate need, of an eligible partnership that receives*  
 25       *a grant under this title from entering into another el-*

1        *eligible partnership consisting of new members and re-*  
2        *ceiving a grant with such other eligible partnership*  
3        *before the 5-year period described in the preceding*  
4        *sentence applicable to the eligible partnership with*  
5        *which the individual member has first partnered has*  
6        *expired.*

7                *“(3) PAYMENTS.—The Secretary shall make an-*  
8        *nual payments of grant funds awarded under this*  
9        *part.*

10              *“(b) PEER REVIEW.—*

11              *“(1) PANEL.—The Secretary shall provide the*  
12        *applications submitted under this part to a peer re-*  
13        *view panel for evaluation. With respect to each appli-*  
14        *cation, the peer review panel shall initially rec-*  
15        *ommend the application for funding or for dis-*  
16        *approval.*

17              *“(2) PRIORITY.—In recommending applications*  
18        *to the Secretary for funding under this part, the*  
19        *panel shall give priority—*

20              *“(A) to partnerships that include an insti-*  
21        *tution of higher education whose teacher prepa-*  
22        *ration program has a rigorous selection process*  
23        *to ensure the highest quality of students entering*  
24        *such programs; and*

1           “(B)(i) to applications from broad-based el-  
2           igible partnerships that involve businesses and  
3           community organizations; or

4           “(ii) to eligible partnerships so that the  
5           awards promote an equitable geographic dis-  
6           tribution of grants among rural and urban  
7           areas.

8           “(3) SECRETARIAL SELECTION.—The Secretary  
9           shall determine, based on the peer review process,  
10          which applications shall receive funding and the  
11          amounts of the grants. In determining the grant  
12          amount, the Secretary shall take into account the  
13          total amount of funds available for all grants under  
14          this part and the types of activities proposed to be  
15          carried out by the eligible partnership.

16          “(c) MATCHING REQUIREMENTS.—

17               “(1) IN GENERAL.—Each eligible partnership re-  
18               ceiving a grant under this part shall provide, from  
19               non-Federal sources, an amount equal to 100 percent  
20               of the amount of the grant, which may be provided  
21               in cash or in-kind, to carry out the activities sup-  
22               ported by the grant.

23               “(2) WAIVER.—The Secretary may waive all or  
24               part of the matching requirement described in para-  
25               graph (1) for any fiscal year for an eligible partner-

1        *ship, if the Secretary determines that applying the*  
 2        *matching requirement to the eligible partnership*  
 3        *would result in serious hardship or an inability to*  
 4        *carry out the authorized activities described in this*  
 5        *part.*

6        *“(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—*  
 7        *An eligible partnership that receives a grant under this part*  
 8        *may use not more than 2 percent of the grant funds for*  
 9        *purposes of administering the grant.*

10        **“SEC. 204. ACCOUNTABILITY AND EVALUATION.**

11        *“(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each el-*  
 12        *igible partnership submitting an application for a grant*  
 13        *under this part shall establish and include in such applica-*  
 14        *tion an evaluation plan that includes strong performance*  
 15        *objectives. The plan shall include objectives and measures*  
 16        *for increasing—*

17                *“(1) student achievement for all students as*  
 18                *measured by the eligible partnership;*

19                *“(2) teacher retention in the first 3 years of a*  
 20                *teacher’s career;*

21                *“(3) improvement in the pass rates and scaled*  
 22                *scores for initial State certification or licensure of*  
 23                *teachers; and*

1           “(4)(A) the percentage of highly qualified teach-  
2           ers hired by the high-need local educational agency  
3           participating in the eligible partnership;

4           “(B) the percentage of such teachers who are  
5           members of underrepresented groups;

6           “(C) the percentage of such teachers who teach  
7           high-need academic subject areas (such as reading,  
8           mathematics, science, and foreign languages, includ-  
9           ing less commonly taught languages and critical for-  
10          eign languages);

11          “(D) the percentage of such teachers who teach in  
12          high-need areas (including special education, lan-  
13          guage instruction educational programs for limited  
14          English proficient students, and early childhood edu-  
15          cation);

16          “(E) the percentage of such teachers in high-need  
17          schools, disaggregated by the elementary, middle, and  
18          high school levels;

19          “(F) as applicable, the percentage of early child-  
20          hood education program classes in the geographic  
21          area served by the eligible partnership taught by early  
22          childhood educators who are highly competent; and

23          “(G) as applicable, the number of teachers  
24          trained effectively to integrate technology into cur-  
25          ricula and instruction and who use technology to col-



1        *lect, manage, and analyze data to improve teaching,*  
2        *learning, and decision making for the purpose of im-*  
3        *proving student academic achievement.*

4        “(b) *INFORMATION.*—*An eligible partnership receiving*  
5        *a grant under this part shall ensure that teachers, prin-*  
6        *cipals, school superintendents, and faculty and leadership*  
7        *at institutions of higher education located in the geographic*  
8        *areas served by the eligible partnership are provided infor-*  
9        *mation about the activities carried out with funds under*  
10       *this part, including through electronic means.*

11       “(c) *REVOCATION OF GRANT.*—*If the Secretary deter-*  
12       *mines that an eligible partnership receiving a grant under*  
13       *this part is not making substantial progress in meeting the*  
14       *purposes, goals, objectives, and measures, as appropriate,*  
15       *of the grant by the end of the third year of a grant under*  
16       *this part, then the Secretary shall require such eligible part-*  
17       *nership to submit a revised application that identifies the*  
18       *steps the partnership will take to make substantial progress*  
19       *to meet the purposes, goals, objectives, and measures, as ap-*  
20       *propriate, of this part.*

21       “(d) *EVALUATION AND DISSEMINATION.*—*The Sec-*  
22       *retary shall evaluate the activities funded under this part*  
23       *and report the findings regarding the evaluation of such*  
24       *activities to the authorizing committees. The Secretary shall*  
25       *broadly disseminate—*

1           “(1) *successful practices developed by eligible*  
2           *partnerships under this part; and*

3           “(2) *information regarding such practices that*  
4           *were found to be ineffective.*

5   **“SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PRE-**  
6           **PARE TEACHERS.**

7           “(a) *INSTITUTIONAL AND PROGRAM REPORT CARDS*  
8   *ON THE QUALITY OF TEACHER PREPARATION.—*

9           “(1) *REPORT CARD.—Each institution of higher*  
10          *education that conducts a traditional teacher prepa-*  
11          *ration program or alternative routes to State certifi-*  
12          *cation or licensure program and that enrolls students*  
13          *receiving Federal assistance under this Act shall re-*  
14          *port annually to the State and the general public, in*  
15          *a uniform and comprehensible manner that conforms*  
16          *with the definitions and methods established by the*  
17          *Secretary, both for traditional teacher preparation*  
18          *programs and alternative routes to State certification*  
19          *or licensure programs, the following information:*

20               “(A) *PASS RATES AND SCALED SCORES.—*

21               *For the most recent year for which the informa-*  
22               *tion is available for those students who took the*  
23               *assessments and are enrolled in the traditional*  
24               *teacher preparation program or alternative*  
25               *routes to State certification or licensure pro-*

1        *gram, and for those who have taken the assess-*  
2        *ments and have completed the traditional teacher*  
3        *preparation program or alternative routes to*  
4        *State certification or licensure program during*  
5        *the 2-year period preceding such year, for each*  
6        *of the assessments used for teacher certification*  
7        *or licensure by the State in which the program*  
8        *is located—*

9                *“(i) the percentage of students who*  
10              *have completed 100 percent of the nonclin-*  
11              *ical course work and taken the assessment*  
12              *who pass such assessment;*

13              *“(ii) the percentage of all such students*  
14              *who passed each such assessment;*

15              *“(iii) the percentage of students taking*  
16              *an assessment who enrolled in and com-*  
17              *pleted the teacher preparation program;*

18              *“(iv) the average scaled score for all*  
19              *students who took each such assessment;*

20              *“(v) a comparison of the program’s*  
21              *pass rates with the average pass rates for*  
22              *programs in the State; and*

23              *“(vi) a comparison of the program’s*  
24              *average scaled scores with the average scaled*  
25              *scores for programs in the State.*

1           “(B) *PROGRAM INFORMATION.*—*The criteria*  
2           *for admission into the program, the number of*  
3           *students in the program (disaggregated by race,*  
4           *ethnicity, and gender), the average number of*  
5           *hours of supervised clinical experience required*  
6           *for those in the program, the number of full-time*  
7           *equivalent faculty and students in the supervised*  
8           *clinical experience, and the total number of stu-*  
9           *dents who have been certified or licensed as*  
10          *teachers, disaggregated by subject and area of*  
11          *certification or licensure.*

12          “(C) *STATEMENT.*—*In States that require*  
13          *approval or accreditation of teacher preparation*  
14          *programs, a statement of whether the institu-*  
15          *tion’s program is so approved or accredited, and*  
16          *by whom.*

17          “(D) *DESIGNATION AS LOW-PERFORMING.*—  
18          *Whether the program has been designated as low-*  
19          *performing by the State under section 208(a).*

20          “(E) *USE OF TECHNOLOGY.*—*A description*  
21          *of the activities that prepare teachers to effec-*  
22          *tively integrate technology into curricula and in-*  
23          *struction and effectively use technology to collect,*  
24          *manage, and analyze data in order to improve*  
25          *teaching, learning, and decision making for the*

1       *purpose of increasing student academic achieve-*  
2       *ment.*

3               “(F) *TEACHER TRAINING.*—*A description of*  
4       *the activities that prepare general and special*  
5       *education teachers to effectively teach students*  
6       *with disabilities, including training related to*  
7       *participation as a member of individualized*  
8       *education program teams, as defined in section*  
9       *614(d)(1)(B) of the Individuals with Disabilities*  
10       *Education Act, and to effectively teach students*  
11       *with limited English proficiency.*

12              “(2) *REPORT.*—*Each eligible partnership receiv-*  
13       *ing a grant under section 202 shall report annually*  
14       *on the progress of the eligible partnership toward*  
15       *meeting the purposes of this part and the objectives*  
16       *and measures described in section 204(a).*

17              “(3) *FINES.*—*The Secretary may impose a fine*  
18       *not to exceed \$25,000 on an institution of higher edu-*  
19       *cation for failure to provide the information described*  
20       *in this subsection in a timely or accurate manner.*

21              “(4) *SPECIAL RULE.*—*In the case of an institu-*  
22       *tion of higher education that conducts a traditional*  
23       *teacher preparation program or alternative routes to*  
24       *State certification or licensure program and has fewer*  
25       *than 10 scores reported on any single initial teacher*

1       *certification or licensure assessment during an aca-*  
2       *demic year, the institution shall collect and publish*  
3       *information, as required under paragraph (1)(A),*  
4       *with respect to an average pass rate and scaled score*  
5       *on each State certification or licensure assessment*  
6       *taken over a 3-year period.*

7       “(b) *STATE REPORT CARD ON THE QUALITY OF*  
8       *TEACHER PREPARATION.—*

9               “(1) *IN GENERAL.—Each State that receives*  
10       *funds under this Act shall provide to the Secretary,*  
11       *annually, in a uniform and comprehensible manner*  
12       *that conforms with the definitions and methods estab-*  
13       *lished by the Secretary, a State report card on the*  
14       *quality of teacher preparation in the State, both for*  
15       *traditional teacher preparation programs and for al-*  
16       *ternative routes to State certification or licensure pro-*  
17       *grams, which shall include not less than the following:*

18               “(A) *A description of the reliability and va-*  
19       *lidity of the teacher certification and licensure*  
20       *assessments, and any other certification and li-*  
21       *cence requirements, used by the State.*

22               “(B) *The standards and criteria that pro-*  
23       *spective teachers must meet to attain initial*  
24       *teacher certification or licensure and to be cer-*  
25       *tified or licensed to teach particular academic*

1       *subject areas or in particular grades within the*  
2       *State.*

3               “(C) *A description of how the assessments*  
4       *and requirements described in subparagraph (A)*  
5       *are aligned with the State’s challenging aca-*  
6       *ademic content standards required under section*  
7       *1111(b)(1) of the Elementary and Secondary*  
8       *Education Act of 1965 and State early learning*  
9       *standards for early childhood education pro-*  
10       *grams.*

11               “(D) *For each of the assessments used by*  
12       *the State for teacher certification or licensure—*

13               “(i) *for each institution of higher edu-*  
14       *cation located in the State and each entity*  
15       *located in the State that offers an alter-*  
16       *native route for teacher certification or li-*  
17       *cence, the percentage of students at such*  
18       *institution or entity who have completed*  
19       *100 percent of the nonclinical course work*  
20       *and taken the assessment who pass such as-*  
21       *essment;*

22               “(ii) *the percentage of all such students*  
23       *at all such institutions taking the assess-*  
24       *ment who pass such assessment; and*

1                   “(iii) the percentage of students taking  
2                   an assessment who enrolled in and com-  
3                   pleted the teacher preparation program.

4                   “(E) A description of alternative routes to  
5                   teacher certification or licensure in the State (in-  
6                   cluding any such routes operated by entities that  
7                   are not institutions of higher education), if any,  
8                   including, for each of the assessments used by the  
9                   State for teacher certification or licensure—

10                   “(i) the percentage of individuals par-  
11                   ticipating in such routes, or who have com-  
12                   pleted such routes during the 2-year period  
13                   preceding the date of the determination,  
14                   who passed each such assessment; and

15                   “(ii) the average scaled score of indi-  
16                   viduals participating in such routes, or who  
17                   have completed such routes during the pe-  
18                   riod preceding the date of the determina-  
19                   tion, who took each such assessment.

20                   “(F) A description of the State’s criteria for  
21                   assessing the performance of teacher preparation  
22                   programs within institutions of higher education  
23                   in the State. Such criteria shall include indica-  
24                   tors of the academic content knowledge and



1       *teaching skills of students enrolled in such pro-*  
2       *grams.*

3               “(G) *For each teacher preparation program*  
4       *in the State, the criteria for admission into the*  
5       *program, the number of students in the program,*  
6       *disaggregated by race, ethnicity, and gender (ex-*  
7       *cept that such disaggregation shall not be re-*  
8       *quired in a case in which the number of students*  
9       *in a category is insufficient to yield statistically*  
10       *reliable information or the results would reveal*  
11       *personally identifiable information about an in-*  
12       *dividual student), the average number of hours of*  
13       *supervised clinical experience required for those*  
14       *in the program, and the number of full-time*  
15       *equivalent faculty, adjunct faculty, and students*  
16       *in supervised clinical experience.*

17               “(H) *For the State as a whole, and for each*  
18       *teacher preparation program in the State, the*  
19       *number of teachers prepared, in the aggregate*  
20       *and reported separately by—*

21                       “(i) *area of certification or licensure;*

22                       “(ii) *academic major; and*

23                       “(iii) *subject area for which the teacher*  
24       *has been prepared to teach.*

1           “(I) Using the data generated under sub-  
2           paragraphs (G) and (H), a description of the ex-  
3           tent to which teacher preparation programs are  
4           helping to address shortages of highly qualified  
5           teachers, by area of certification or licensure,  
6           subject, and specialty, in the State’s public  
7           schools.

8           “(J) A description of the activities that pre-  
9           pare general and special education teachers to ef-  
10          fectively teach students with disabilities, includ-  
11          ing training related to participation as a mem-  
12          ber of individualized education program teams,  
13          as defined in section 614(d)(1)(B) of the Individ-  
14          uals with Disabilities Education Act.

15          “(K) A description of the activities that pre-  
16          pare teachers to effectively integrate technology  
17          into curricula and instruction and effectively use  
18          technology to collect, manage, and analyze data  
19          to improve teaching, learning, and decision mak-  
20          ing for the purpose of increasing student aca-  
21          demic achievement.

22          “(L) A description of the activities that pre-  
23          pare general education and special education  
24          teachers to effectively teach students with limited  
25          English proficiency.

1           “(2) *PROHIBITION AGAINST CREATING A NA-*  
2           *TIONAL LIST.*—*The Secretary shall not create a na-*  
3           *tional list or ranking of States, institutions, or*  
4           *schools using the scaled scores provided under this*  
5           *subsection.*

6           “(c) *DATA QUALITY.*—*The Secretary shall prescribe*  
7           *regulations requiring practices and procedures to ensure the*  
8           *reliability, validity, integrity, and accuracy of the data*  
9           *submitted pursuant to this section.*

10          “(d) *REPORT OF THE SECRETARY ON THE QUALITY*  
11          *OF TEACHER PREPARATION.*—

12               “(1) *REPORT CARD.*—*The Secretary shall pro-*  
13               *vide to Congress, and publish and make widely avail-*  
14               *able, a report card on teacher qualifications and*  
15               *preparation in the United States, including all the*  
16               *information reported in subparagraphs (A) through*  
17               *(L) of subsection (b)(1). Such report shall identify*  
18               *States for which eligible partnerships received a grant*  
19               *under this part. Such report shall be so provided,*  
20               *published, and made available annually.*

21               “(2) *REPORT TO CONGRESS.*—*The Secretary*  
22               *shall prepare and submit a report to Congress that*  
23               *contains the following:*

1           “(A) A comparison of States’ efforts to im-  
2           prove the quality of the current and future teach-  
3           ing force.

4           “(B) A comparison of eligible partnerships’  
5           efforts to improve the quality of the current and  
6           future teaching force.

7           “(C) The national mean and median scaled  
8           scores and pass rate on any standardized test  
9           that is used in more than 1 State for teacher cer-  
10          tification or licensure.

11          “(3) SPECIAL RULE.—In the case of a teacher  
12          preparation program with fewer than 10 scores re-  
13          ported on any single initial teacher certification or li-  
14          censure assessment during an academic year, the Sec-  
15          retary shall collect and publish information, and  
16          make publicly available, with respect to an average  
17          pass rate and scaled score on each State certification  
18          or licensure assessment taken over a 3-year period.

19          “(e) COORDINATION.—The Secretary, to the extent  
20          practicable, shall coordinate the information collected and  
21          published under this part among States for individuals who  
22          took State teacher certification or licensure assessments in  
23          a State other than the State in which the individual re-  
24          ceived the individual’s most recent degree.

1 **“SEC. 206. TEACHER DEVELOPMENT.**

2       “(a) *ANNUAL GOALS.*—As a condition of receiving as-  
 3       sistance under title IV, each institution of higher education  
 4       that conducts a traditional teacher preparation program  
 5       (including programs that offer any ongoing professional de-  
 6       velopment programs) or alternative routes to State certifi-  
 7       cation or licensure program, and that enrolls students re-  
 8       ceiving Federal assistance under this Act, shall set annual  
 9       quantifiable goals for—

10               “(1) *increasing the number of prospective teach-*  
 11               *ers trained in teacher shortage areas designated by*  
 12               *the Secretary, including mathematics, science, special*  
 13               *education, and instruction of limited English pro-*  
 14               *ficient students; and*

15               “(2) *more closely linking the training provided*  
 16               *by the institution with the needs of schools and the*  
 17               *instructional decisions new teachers face in the class-*  
 18               *room.*

19       “(b) *ASSURANCE.*—As a condition of receiving assist-  
 20       ance under title IV, each institution described in subsection  
 21       (a) shall provide an assurance to the Secretary that—

22               “(1) *training provided to prospective teachers re-*  
 23               *sponds to the identified needs of the local educational*  
 24               *agencies or States where the institution’s graduates*  
 25               *are likely to teach, based on past hiring and recruit-*  
 26               *ment trends;*

1           “(2) prospective special education teachers re-  
 2           ceive course work in core academic subjects and re-  
 3           ceive training in providing instruction in core aca-  
 4           demic subjects;

5           “(3) general education teachers receive training  
 6           in providing instruction to diverse populations, in-  
 7           cluding children with disabilities, limited English  
 8           proficient students, and children from low-income  
 9           families; and

10           “(4) prospective teachers receive training on how  
 11           to effectively teach in urban and rural schools.

12           “(c) *PUBLIC REPORTING.*—As part of the annual re-  
 13           port card required under section 205(a)(1), an institution  
 14           of higher education described in subsection (a) shall pub-  
 15           licly report whether the goals established under such sub-  
 16           section have been met.

17           **“SEC. 207. STATE FUNCTIONS.**

18           “(a) *STATE ASSESSMENT.*—In order to receive funds  
 19           under this Act, a State shall have in place a procedure to  
 20           conduct an assessment to identify and assist, through the  
 21           provision of technical assistance, low-performing programs  
 22           of teacher preparation. Such State shall provide the Sec-  
 23           retary an annual list of such low-performing teacher prepa-  
 24           ration programs that includes an identification of those  
 25           programs at risk of being placed on such list. Such assess-

1 *ment shall be described in the report under section 205(b).*  
 2 *Levels of performance shall be determined solely by the*  
 3 *State and may include criteria based on information col-*  
 4 *lected pursuant to this part including progress in meeting*  
 5 *the goals of—*

6           “(1) *increasing the percentage of highly qualified*  
 7 *teachers in the State, including increasing profes-*  
 8 *sional development opportunities;*

9           “(2) *improving student achievement for all stu-*  
 10 *dents; and*

11           “(3) *raising the standards for entry into the*  
 12 *teaching profession.*

13           “(b) *TERMINATION OF ELIGIBILITY.—Any program of*  
 14 *teacher preparation from which the State has withdrawn*  
 15 *the State’s approval, or terminated the State’s financial*  
 16 *support, due to the low performance of the program based*  
 17 *upon the State assessment described in subsection (a)—*

18           “(1) *shall be ineligible for any funding for pro-*  
 19 *fessional development activities awarded by the De-*  
 20 *partment;*

21           “(2) *shall not be permitted to accept or enroll*  
 22 *any student that receives aid under title IV in the in-*  
 23 *stitution’s teacher preparation program; and*

24           “(3) *shall provide transitional support, includ-*  
 25 *ing remedial services if necessary, for students en-*

1        *rolled at the institution at the time of termination of*  
 2        *financial support or withdrawal of approval.*

3        “(c) *NEGOTIATED RULEMAKING.*—*If the Secretary de-*  
 4        *velops any regulations implementing subsection (b)(2), the*  
 5        *Secretary shall submit such proposed regulations to a nego-*  
 6        *tiated rulemaking process, which shall include representa-*  
 7        *tives of States, institutions of higher education, and edu-*  
 8        *cational and student organizations.*

9        “(d) *APPLICATION OF THE REQUIREMENTS.*—*The re-*  
 10       *quirements of this section shall apply to both traditional*  
 11       *teacher preparation programs and alternative routes to*  
 12       *State certification and licensure programs.*

13       **“SEC. 208. GENERAL PROVISIONS.**

14       “(a) *METHODS.*—*In complying with sections 205 and*  
 15       *207, the Secretary shall ensure that States and institutions*  
 16       *of higher education use fair and equitable methods in re-*  
 17       *porting and that the reporting methods do not allow identi-*  
 18       *fication of individuals.*

19       “(b) *SPECIAL RULE.*—*For each State that does not use*  
 20       *content assessments as a means of ensuring that all teachers*  
 21       *teaching in core academic subjects within the State are*  
 22       *highly qualified, as required under section 1119 of the Ele-*  
 23       *mentary and Secondary Education Act of 1965 and in ac-*  
 24       *cordance with the State plan submitted or revised under*  
 25       *section 1111 of such Act, or that each person employed as*



1 *a special education teacher in the State who teaches elemen-*  
 2 *tary school, middle school, or secondary school is highly*  
 3 *qualified by the deadline, as required under section*  
 4 *612(a)(14)(C) of the Individuals with Disabilities Edu-*  
 5 *cation Act,—*

6           “(1) the Secretary shall, to the extent practicable,  
 7       *collect data comparable to the data required under*  
 8       *this part from States, local educational agencies, in-*  
 9       *stitutions of higher education, or other entities that*  
 10       *administer such assessments to teachers or prospective*  
 11       *teachers; and*

12           “(2) notwithstanding any other provision of this  
 13       *part, the Secretary shall use such data to carry out*  
 14       *requirements of this part related to assessments, pass*  
 15       *rates, and scaled scores.*

16       “(c) *RELEASE OF INFORMATION TO TEACHER PREPA-*  
 17 *RATION PROGRAMS.—*

18           “(1) *IN GENERAL.—For the purpose of improv-*  
 19       *ing teacher preparation programs, a State edu-*  
 20       *cational agency that receives funds under this Act, or*  
 21       *that participates as a member of a partnership, con-*  
 22       *sortium, or other entity that receives such funds, shall*  
 23       *provide to a teacher preparation program, upon the*  
 24       *request of the teacher preparation program, any and*  
 25       *all pertinent education-related information that—*

1           “(A) may enable the teacher preparation  
2           program to evaluate the effectiveness of the pro-  
3           gram’s graduates or the program itself; and

4           “(B) is possessed, controlled, or accessible by  
5           the State educational agency.

6           “(2) CONTENT OF INFORMATION.—The informa-  
7           tion described in paragraph (1)—

8           “(A) shall include an identification of spe-  
9           cific individuals who graduated from the teacher  
10          preparation program to enable the teacher prep-  
11          aration program to evaluate the information  
12          provided to the program from the State edu-  
13          cational agency with the program’s own data  
14          about the specific courses taken by, and field ex-  
15          periences of, the individual graduates; and

16          “(B) may include—

17               “(i) kindergarten through grade 12  
18               academic achievement and demographic  
19               data, without revealing personally identifi-  
20               able information about an individual stu-  
21               dent, for students who have been taught by  
22               graduates of the teacher preparation pro-  
23               gram; and

1                   “(ii) *teacher effectiveness evaluations*  
2                   *for teachers who graduated from the teacher*  
3                   *preparation program.*

4           “(d) *LIMITATIONS.—*

5                   “(1) *FEDERAL CONTROL PROHIBITED.—Nothing*  
6                   *in this part shall be construed to permit, allow, en-*  
7                   *courage, or authorize any Federal control over any*  
8                   *aspect of any private, religious, or home school*  
9                   *(whether or not a home school is treated as a private*  
10                  *school or home school under State law). This section*  
11                  *shall not be construed to prohibit private, religious, or*  
12                  *home schools from participation in programs or serv-*  
13                  *ices under this part.*

14                  “(2) *NO CHANGE IN STATE CONTROL ENCOUR-*  
15                  *AGED OR REQUIRED.—Nothing in this part shall be*  
16                  *construed to encourage or require any change in a*  
17                  *State’s treatment of any private, religious, or home*  
18                  *school (whether or not a home school is treated as a*  
19                  *private school or home school under State law).*

20                  “(3) *NATIONAL SYSTEM OF TEACHER CERTIFI-*  
21                  *CATION PROHIBITED.—Nothing in this part shall be*  
22                  *construed to permit, allow, encourage, or authorize*  
23                  *the Secretary to establish or support any national*  
24                  *system of teacher certification.*

1 **“SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

2       *“There are authorized to be appropriated to carry out*  
 3 *this part \$300,000,000 for fiscal year 2009 and such sums*  
 4 *as may be necessary for each of the 2 succeeding fiscal years.*

5       **“PART B—PREPARING TEACHERS FOR DIGITAL**  
 6                                   **AGE LEARNERS**

7 **“SEC. 221. PROGRAM AUTHORIZED.**

8       *“(a) PROGRAM AUTHORITY.—The Secretary is author-*  
 9 *ized to award grants to, or enter into contracts or coopera-*  
 10 *tive agreements with, eligible consortia to pay the Federal*  
 11 *share of the costs of projects to—*

12               *“(1) graduate teacher candidates who are pre-*  
 13 *pared to use modern information, communication,*  
 14 *and learning tools to—*

15                       *“(A) improve student learning, assessment,*  
 16 *and learning management; and*

17                       *“(B) help students develop skills to enter the*  
 18 *workforce;*

19               *“(2) strengthen and develop partnerships among*  
 20 *the stakeholders in teacher preparation to transform*  
 21 *teacher education and ensure technology rich learning*  
 22 *environments throughout a teacher candidate’s pre-*  
 23 *service education, including clinical experiences; and*

24               *“(3) assess the effectiveness of departments,*  
 25 *schools, and colleges of education at institutions of*  
 26 *higher education in preparing teacher candidates for*

1        *successful implementation of technology-rich teaching-*  
2        *learning environments that enable kindergarten*  
3        *through grade 12 students to develop skills to enter the*  
4        *workforce.*

5        “(b) *AMOUNT AND DURATION.*—*A grant, contract, or*  
6        *cooperative agreement under this part—*

7                “(1) *shall be for not more than \$2,000,000;*

8                “(2) *shall be for a 3-year period; and*

9                “(3) *may be renewed for one additional year.*

10        “(c) *NON-FEDERAL SHARE REQUIREMENT.*—*The Fed-*  
11        *eral share of the cost of any project funded under this part*  
12        *shall not exceed 75 percent. The non-Federal share of the*  
13        *cost of such project may be provided in cash or in kind,*  
14        *fairly evaluated, including services.*

15        “(d) *DEFINITION OF ELIGIBLE CONSORTIUM.*—*In this*  
16        *part, the term ‘eligible consortium’ means a consortium of*  
17        *members that includes the following:*

18                “(1) *At least one institution of higher education*  
19        *that awards baccalaureate degrees and prepares*  
20        *teachers for initial entry into teaching.*

21                “(2) *At least one State educational agency or*  
22        *local educational agency.*

23                “(3) *A department, school, or college of education*  
24        *at an institution of higher education.*

1           “(4) *A department, school, or college of arts and*  
 2           *sciences at an institution of higher education.*

3           “(5) *At least one entity with the capacity to con-*  
 4           *tribute to the technology-related reform of teacher*  
 5           *preparation programs, which may be a professional*  
 6           *association, foundation, museum, library, for-profit*  
 7           *business, public or private nonprofit organization,*  
 8           *community-based organization, or other entity.*

9   **“SEC. 222. USES OF FUNDS.**

10       “(a) *IN GENERAL.—An eligible consortium that re-*  
 11       *ceives a grant or enters into a contract or cooperative agree-*  
 12       *ment under this part shall use funds made available under*  
 13       *this part to carry out a project that—*

14           “(1) *develops long-term partnerships among*  
 15           *members of the consortium that are focused on effec-*  
 16           *tive teaching with modern digital tools and content*  
 17           *that substantially connect pre-service preparation of*  
 18           *teacher candidates with high-needs schools; or*

19           “(2) *transforms the way departments, schools,*  
 20           *and colleges of education teach classroom technology*  
 21           *integration, including the principles of universal de-*  
 22           *sign, to teacher candidates.*

23       “(b) *USES OF FUNDS FOR PARTNERSHIP GRANTS.—*  
 24       *In carrying out a project under subsection (a)(1), an eligi-*  
 25       *ble consortium shall—*

1           “(1) provide teacher candidates, early in their  
2           preparation, with field experiences in educational set-  
3           tings with technology;

4           “(2) build the skills of teacher candidates to sup-  
5           port technology-rich instruction, assessment and  
6           learning management in content areas, technology lit-  
7           eracy, an understanding of the principles of universal  
8           design, and the development of other skills for enter-  
9           ing the workforce;

10          “(3) provide professional technology development  
11          for teachers, administrators, and content specialists  
12          who participate in field placement;

13          “(4) provide professional development of tech-  
14          nology pedagogical skills for faculty of departments,  
15          schools, and colleges of education and arts and  
16          sciences;

17          “(5) implement strategies for the mentoring of  
18          teacher candidates with respect to technology imple-  
19          mentation by members of the consortium;

20          “(6) evaluate teacher candidates during the first  
21          years of teaching to fully assess outcomes of the  
22          project;

23          “(7) build collaborative learning communities for  
24          technology integration within the consortium to sus-  
25          tain meaningful applications of technology in the

1        *classroom during teacher preparation and early ca-*  
 2        *reer practice; and*

3                *“(8) evaluate the effectiveness of the project.*

4        *“(c) USES OF FUNDS FOR TRANSFORMATION*  
 5        *GRANTS.—In carrying out a project under subsection*  
 6        *(a)(2), an eligible consortium shall—*

7                *“(1) redesign curriculum to require collaboration*  
 8        *between the department, school, or college of education*  
 9        *faculty and the department, school, or college of arts*  
 10        *and sciences faculty who teach content or methods*  
 11        *courses for training teacher candidates;*

12                *“(2) collaborate between the department, school,*  
 13        *or college of education faculty and the department,*  
 14        *school, or college of arts and science faculty and aca-*  
 15        *demic content specialists at the local educational*  
 16        *agency to educate pre-service teachers who can inte-*  
 17        *grate technology and pedagogical skills in content*  
 18        *areas;*

19                *“(3) collaborate between the department, school,*  
 20        *or college of education faculty and the department,*  
 21        *school, or college of arts and sciences faculty who*  
 22        *teach courses to pre-service teachers to—*

23                *“(A) develop and implement a plan for pre-*  
 24        *service teachers and continuing educators that*  
 25        *demonstrates effective instructional strategies*



1           *and application of such strategies in the use of*  
2           *digital tools to transform the teaching and learn-*  
3           *ing process; and*

4           *“(B) better reach underrepresented pre-serv-*  
5           *ice teacher populations with programs that con-*  
6           *nect such pre-service teacher populations with*  
7           *applications of technology;*

8           *“(4) collaborate among faculty and students to*  
9           *create and disseminate case studies of technology ap-*  
10          *plications in classroom settings with a goal of im-*  
11          *proving student achievement in high-need schools;*

12          *“(5) provide additional technology resources for*  
13          *pre-service teachers to plan and implement technology*  
14          *applications in classroom settings that provide evi-*  
15          *dence of student learning; and*

16          *“(6) bring together expertise from departments,*  
17          *schools, or colleges of education, arts and science fac-*  
18          *ulty, and academic content specialists at the local*  
19          *educational agency to share and disseminate tech-*  
20          *nology applications in the classroom through teacher*  
21          *preparation and into early career practice.*

22   **“SEC. 223. APPLICATION REQUIREMENTS.**

23          *“To be eligible to receive a grant or enter into a con-*  
24          *tract or cooperative agreement under this part, an eligible*  
25          *consortium shall submit an application to the Secretary at*

1 *such time, in such manner, and containing such informa-*  
2 *tion as the Secretary may require. Such application shall*  
3 *include the following:*

4           “(1) *A description of the project to be carried out*  
5 *with the grant, including how the project will—*

6                   “(A) *develop a long-term partnership fo-*  
7 *cused on effective teaching with modern digital*  
8 *tools and content that substantially connects pre-*  
9 *service preparation of teacher candidates with*  
10 *high-need schools; or*

11                   “(B) *transform the way departments,*  
12 *schools, and colleges of education teach classroom*  
13 *technology integration, including the principles*  
14 *of universal design, to teacher candidates.*

15           “(2) *A demonstration of—*

16                   “(A) *the commitment, including the finan-*  
17 *cial commitment, of each of the members of the*  
18 *consortium for the proposed project; and*

19                   “(B) *the support of the leadership of each*  
20 *organization that is a member of the consortium*  
21 *for the proposed project.*

22           “(3) *A description of how each member of the*  
23 *consortium will participate in the project.*

24           “(4) *A description of how the State or local edu-*  
25 *cational agency will incorporate the project into the*

1       agency’s technology plan, if such a plan already ex-  
2       ists.

3               “(5) A description of how the project will be con-  
4       tinued after Federal funds are no longer available  
5       under this part for the project.

6               “(6) A plan for the evaluation of the project,  
7       which shall include benchmarks to monitor progress  
8       toward specific project objectives.

9       **“SEC. 224. EVALUATION.**

10       *“Not less than 10 percent of the funds awarded to an*  
11       *eligible consortium to carry out a project under this part*  
12       *shall be used to evaluate the effectiveness of such project.*

13       **“SEC. 225. AUTHORIZATION OF APPROPRIATIONS.**

14       *“There is authorized to be appropriated \$100,000,000*  
15       *to carry out this part for fiscal year 2009 and such sums*  
16       *as may be necessary for each of the 2 succeeding fiscal years.*

17       **“PART C—ENHANCING TEACHER EDUCATION**

18       **“SEC. 240. AUTHORIZATION OF APPROPRIATIONS.**

19       *“There are authorized to be appropriated to carry out*  
20       *this part such sums as may be necessary for fiscal year 2009*  
21       *and each of the 4 succeeding fiscal years.*

1 **“Subpart 1—Recruiting Teachers With Math, Science,**  
2 **or Language Majors**

3 **“SEC. 241. PROGRAM AUTHORIZED.**

4 “(a) *GRANTS AUTHORIZED.*—From the amounts ap-  
5 propriated under section 240, the Secretary shall make com-  
6 petitive grants to institutions of higher education to im-  
7 prove the availability, recruitment, and retention of teach-  
8 ers from among students majoring in mathematics, science,  
9 foreign languages, special education, or teaching the  
10 English language to students who are limited English pro-  
11 ficient, or to a combination of students majoring in such  
12 subjects. In making such grants, the Secretary shall give  
13 priority to institutions of higher education with programs  
14 that—

15 “(1) *focus on preparing and retaining teachers*  
16 *in subjects in which there is a shortage of highly*  
17 *qualified teachers and that prepare students to teach*  
18 *in high-need schools; and*

19 “(2) *include plans to seek matching funds from*  
20 *other governmental and non-governmental sources.*

21 “(b) *APPLICATION.*—Any institution of higher edu-  
22 cation desiring to receive a grant under this subpart shall  
23 submit to the Secretary an application at such time, in  
24 such form, and containing such information and assurances  
25 as the Secretary may require, including—

1           “(1) the number of students who graduated from  
2           the institution in the preceding year with the quali-  
3           fications necessary to be teachers with expertise in  
4           mathematics, science, a foreign language, special edu-  
5           cation, or teaching limited English proficient individ-  
6           uals; and

7           “(2) a goal and timeline for increasing the num-  
8           ber of such teachers who graduate from the institu-  
9           tion.

10          “(c) *USE OF FUNDS.*—Grant funds made available  
11 under this subpart—

12           “(1) shall be used to create and provide new re-  
13           cruitment incentives to encourage students who are  
14           planning to pursue other careers to pursue careers in  
15           teaching, with an emphasis on recruiting students  
16           who are majoring in high-need subjects such as math-  
17           ematics, science, foreign languages, and special edu-  
18           cation, and areas relevant to teaching the English  
19           language to students who are limited English pro-  
20           ficient;

21           “(2) may be used to upgrade curriculum to pro-  
22           vide all students studying to become teachers with  
23           high-quality instructional strategies for teaching  
24           reading and teaching the English language to stu-  
25           dents who are limited English proficient, and for

1       *adopting, modifying, and differentiating instruction*  
2       *to teach students with disabilities;*

3               “(3) may be used to integrate department, school,  
4       *or college of education faculty with other arts and*  
5       *science faculty in mathematics, science, foreign lan-*  
6       *guages, special education, and teaching the English*  
7       *language to students who are limited English pro-*  
8       *ficient through steps such as—*

9               “(A) dual appointments for faculty between  
10       *departments, schools, or colleges of education and*  
11       *departments, schools, or colleges of arts and*  
12       *science; and*

13              “(B) integrating course work with clinical  
14       *experience;*

15              “(4) may be used to develop strategic plans be-  
16       *tween departments, schools, or colleges of education*  
17       *and local school districts to better prepare teachers for*  
18       *high-need schools, including the creation of profes-*  
19       *sional development partnerships for training new*  
20       *teachers in state-of-the-art teaching practices; and*

21              “(5) may be used to develop or enhance pro-  
22       *grams aimed at retaining teachers in high-need sub-*  
23       *jects such as mathematics, science, foreign languages,*  
24       *special education, and teaching the English language*  
25       *to students who are limited English proficient, and*

1        *may include providing scholarship assistance to cur-*  
 2        *rent teachers to upgrade their skills.*

3        **“Subpart 2—Community Colleges as Partners in**  
 4        **Teacher Education Grants**

5        **“SEC. 251. GRANTS TO COMMUNITY COLLEGES.**

6        *“(a) PROGRAM AUTHORIZED.—The Secretary is au-*  
 7        *thorized to award grants, on a competitive basis, to eligible*  
 8        *entities to assist such entities with—*

9                *“(1) establishing or enhancing teacher education*  
 10        *programs at community colleges that—*

11                *“(A) include content and pedagogical train-*  
 12        *ing; and*

13                *“(B) are aligned with 4-year college and*  
 14        *university teacher education programs to ensure*  
 15        *a seamless transition for students from commu-*  
 16        *nity colleges to 4-year institutions;*

17                *“(2) establishing or enhancing post baccalaureate*  
 18        *certification programs offered at community colleges;*

19                *“(3) developing and delivering a rigorous pro-*  
 20        *gram of study for students interested in a career in*  
 21        *teaching; and*

22                *“(4) developing and delivering professional devel-*  
 23        *opment for teachers to ensure their continued edu-*  
 24        *cation and professional growth.*

1       “(b) *AUTHORIZED USES OF FUNDS.*—Grant funds  
2   *provided under this subpart shall be used to carry out the*  
3   *activities described in subsection (a), and may be used to—*

4               “(1) *develop curriculum for teacher education*  
5       *programs and post baccalaureate certification pro-*  
6       *grams at community colleges;*

7               “(2) *establish or enhance clinical experiences for*  
8       *students in such teacher education programs and post*  
9       *baccalaureate certification programs;*

10              “(3) *establish or enhance professional develop-*  
11       *ment programs at community colleges that are avail-*  
12       *able for teachers;*

13              “(4) *develop new associate degree programs fo-*  
14       *cused on teacher preparation;*

15              “(5) *increase the alignment between community*  
16       *college teacher education programs and 4-year college*  
17       *and university teacher education programs, including*  
18       *articulation agreements, common course numbering,*  
19       *and joint admission programs;*

20              “(6) *recruit teacher candidates with the goal of*  
21       *diversifying the teacher workforce;*

22              “(7) *prepare teachers for high-demand subject*  
23       *areas including science, mathematics, technology, spe-*  
24       *cial education, critical foreign languages, or the edu-*  
25       *cation of limited English proficient individuals;*



1           “(8) *prepare teachers to teach in high-need*  
2       *schools;*

3           “(9) *increase coordination between teacher edu-*  
4       *cation programs and departments, schools, or colleges*  
5       *of arts and sciences;*

6           “(10) *encourage teacher education and post bac-*  
7       *calaureate programs at times and in formats designed*  
8       *to make these programs more accessible to certain stu-*  
9       *dent populations, including mid-career professionals*  
10       *transitioning to teaching; and*

11           “(11) *carry out other activities that aim to en-*  
12       *sure that well-qualified individuals enter into the*  
13       *teaching profession.*

14           “(c) *ELIGIBLE ENTITY.—For purposes of this subpart,*  
15       *the term ‘eligible entity’ means an individual community*  
16       *college (or district of community colleges), a consortia of*  
17       *community colleges, or a statewide community college sys-*  
18       *tem that, for the purposes of carrying out activities under*  
19       *this subpart, has entered into a partnership with—*

20           “(1) *a four-year institution of higher education*  
21       *with a teacher education program, or a consortia of*  
22       *such institutions; and*

23           “(2) *at least one of the following:*

24           “(A) *The State agency that oversees teacher*  
25       *preparation or higher education in the State.*

1                   “(B) *One or more local educational agen-*  
2                   *cies.*

3                   “(C) *The State educational agency.*

4                   “(D) *A professional organization rep-*  
5                   *resenting teachers.*

6           “(d) *APPLICATION.—Each eligible entity desiring a*  
7           *grant under this subpart shall submit an application to the*  
8           *Secretary at such time, in such manner, and containing*  
9           *such information as the Secretary may require. Such appli-*  
10          *cation shall include—*

11                   “(1) *an overview of the goals the eligible entity*  
12                   *and its partners plan to pursue upon receipt of a*  
13                   *grant under this subpart;*

14                   “(2) *an identification of the institutions, agen-*  
15                   *cies, or organizations that have entered into a part-*  
16                   *nership with the eligible entity to meet the require-*  
17                   *ments of subsection (c);*

18                   “(3) *a description of how the eligible entity and*  
19                   *its partners will work to ensure a seamless transition*  
20                   *for students from community college to 4-year institu-*  
21                   *tions;*

22                   “(4) *an assurance by the eligible entity that stu-*  
23                   *dents will be provided with intensive support services,*  
24                   *which may include mentoring, academic and career*  
25                   *support, and support for students who are*

1       *transitioning, or have transitioned, from the commu-*  
 2       *nity college to the 4-year institution; and*

3               “(5) *a description of the rigorous 2-year pro-*  
 4       *gram of study to be provided by the eligible entity,*  
 5       *and a description of how such program establishes a*  
 6       *foundation for students to enter into a qualified*  
 7       *teacher preparation program at a 4-year institution.*

8       “(e) *PRIORITY.—In awarding grants under this sub-*  
 9       *part, the Secretary shall give priority to applications the*  
 10       *goals of which are to—*

11               “(1) *increase the diversification of the teacher*  
 12       *workforce by enrolling and retaining students from*  
 13       *minority racial and ethnic backgrounds and others*  
 14       *underrepresented in the local education workforce;*

15               “(2) *prepare teachers for high-demand subject*  
 16       *areas including science, mathematics, technology, spe-*  
 17       *cial education, critical foreign languages, or the edu-*  
 18       *cation of limited English proficient individuals; or*

19               “(3) *prepare teachers to enter into high-need*  
 20       *schools.*

21       **“SEC. 252. DEFINITIONS.**

22       *“In this subpart:*

23               “(1) *COMMUNITY COLLEGE.—The term ‘commu-*  
 24       *nity college’ has the same meaning given the term*  
 25       *‘junior or community college’ in section 313.*

1           “(2) *FOUR-YEAR INSTITUTION.*—*The term ‘4-*  
2           *year institution’ means an institution of higher edu-*  
3           *cation (as defined in section 101(a)) that provides a*  
4           *4-year program of instruction for which the institu-*  
5           *tion awards a bachelor’s degree.*

6           “(3) *QUALIFIED TEACHER PREPARATION PRO-*  
7           *GRAM.*—*The term ‘qualified teacher preparation pro-*  
8           *gram’ means an undergraduate program for students*  
9           *at an institution of higher education that—*

10               “(A) *encourages collaboration between fac-*  
11               *ulty in education and faculty in the relevant*  
12               *subject areas including, sciences mathematics,*  
13               *and foreign languages to pursue content coordi-*  
14               *nation for courses taken frequently by students*  
15               *preparing to be teachers;*

16               “(B) *offers support services, including men-*  
17               *toring, exposure to and field experience in the*  
18               *classroom prior to graduation, or other practices,*  
19               *for students while they are in the program, and*  
20               *after graduation while working as teachers; and*

21               “(C) *focuses on increasing the number of*  
22               *teachers for high-demand subject areas.*

1   **“Subpart 3—Honorable Augustus F. Hawkins Centers**  
2                                   **of Excellence**

3   **“SEC. 261. DEFINITIONS.**

4       *“In this subpart:*

5               *“(1) ELIGIBLE INSTITUTION.—The term ‘eligible*  
6       *institution’ means—*

7                       *“(A) an institution of higher education that*  
8       *has a teacher preparation program that is a*  
9       *qualified teacher preparation program under sec-*  
10      *tion 252, and that is—*

11                      *“(i) a part B institution (as defined in*  
12                      *section 322);*

13                      *“(ii) a Hispanic-serving institution*  
14                      *(as defined in section 502);*

15                      *“(iii) a Tribal College or University*  
16                      *(as defined in section 316);*

17                      *“(iv) an Alaska Native-serving institu-*  
18                      *tion (as defined in section 317(b));*

19                      *“(v) a Native Hawaiian-serving insti-*  
20                      *tution (as defined in section 317(b));*

21                      *“(vi) a Predominantly Black Institu-*  
22                      *tion (as defined in section 318(b));*

23                      *“(vii) an Asian American and Pacific*  
24                      *Islander-serving institution (as defined in*  
25                      *section 319(b)); or*

1                   “(viii) a Native American-serving non-  
 2                   tribal institution (as defined in section  
 3                   320(b));

4                   “(B) a consortium of institutions described  
 5                   in subparagraph (A); or

6                   “(C) an institution described in subpara-  
 7                   graph (A), or a consortium described in subpara-  
 8                   graph (B), in partnership with any other insti-  
 9                   tution of higher education, but only if the center  
 10                  of excellence established under section 262 is lo-  
 11                  cated at an institution described in subpara-  
 12                  graph (A).

13                  “(2) *SCIENTIFICALLY BASED READING RE-*  
 14                  *SEARCH.*—The term ‘scientifically based reading re-  
 15                  search’ has the meaning given such term in section  
 16                  1208 of the Elementary and Secondary Education  
 17                  Act of 1965 (20 U.S.C. 6368).

18                  **“SEC. 262. AUGUSTUS F. HAWKINS CENTERS OF EXCEL-**  
 19                  **LENCE.**

20                  “(a) *PROGRAM AUTHORIZED.*—From the amounts ap-  
 21                  propriated to carry out this part, the Secretary is author-  
 22                  ized to award competitive grants to eligible institutions to  
 23                  establish centers of excellence.

24                  “(b) *USE OF FUNDS.*—Grants provided by the Sec-  
 25                  retary under this subpart shall be used to ensure that cur-

1 *rent and future teachers are highly qualified, by carrying*  
2 *out one or more of the following activities:*

3           “(1) *Implementing reforms within teacher prepa-*  
4 *ration programs to ensure that such programs are*  
5 *preparing teachers who are highly qualified, are able*  
6 *to understand scientifically valid research, and are*  
7 *able to use advanced technology effectively in the*  
8 *classroom, including use for instructional techniques*  
9 *to improve student academic achievement, by—*

10                   “(A) *retraining or recruiting faculty; and*

11                   “(B) *designing (or redesigning) teacher*  
12 *preparation programs that—*

13                           “(i) *prepare teachers to close student*  
14 *achievement gaps, and are based on rig-*  
15 *orous academic content, scientifically valid*  
16 *research (including scientifically based*  
17 *reading research), and challenging State*  
18 *student academic content standards; and*

19                           “(ii) *promote strong teaching skills, as*  
20 *defined in section 200(b).*

21           “(2) *Providing sustained and high-quality pre-*  
22 *service clinical experience, including the mentoring of*  
23 *prospective teachers by exemplary teachers, substan-*  
24 *tially increasing interaction between faculty at insti-*  
25 *tutions of higher education and new and experienced*

1        *teachers, principals, and other administrators at ele-*  
2        *mentary schools or secondary schools, and providing*  
3        *support, including preparation time, for such inter-*  
4        *action.*

5                *“(3) Developing and implementing initiatives to*  
6        *promote retention of highly qualified teachers and*  
7        *principals, including minority teachers and prin-*  
8        *cipals, including programs that provide—*

9                *“(A) teacher or principal mentoring from*  
10        *exemplary teachers or principals; or*

11                *“(B) induction and support for teachers*  
12        *and principals during their first 3 years of em-*  
13        *ployment as teachers or principals, respectively.*

14                *“(4) Awarding scholarships based on financial*  
15        *need to help students pay the costs of tuition, room,*  
16        *board, and other expenses of completing a teacher*  
17        *preparation program.*

18                *“(5) Disseminating information on effective*  
19        *practices for teacher preparation and successful teach-*  
20        *er certification and licensure assessment preparation*  
21        *strategies.*

22                *“(6) Activities authorized under section 202.*

23                *“(c) APPLICATION.—Any eligible institution desiring*  
24        *a grant under this subpart shall submit an application to*



1 *the Secretary at such a time, in such a manner, and accom-*  
 2 *panied by such information as the Secretary may require.*

3 “(d) *MINIMUM GRANT AMOUNT.*—*The minimum*  
 4 *amount of each grant under this subpart shall be \$500,000.*

5 “(e) *LIMITATION ON ADMINISTRATIVE EXPENSES.*—*An*  
 6 *eligible institution that receives a grant under this subpart*  
 7 *may not use more than 2 percent of the grant funds for*  
 8 *purposes of administering the grant.*

9 “(f) *REGULATIONS.*—*The Secretary shall prescribe*  
 10 *such regulations as may be necessary to carry out this sub-*  
 11 *part.*

12 **“Subpart 4—Teach for America**

13 **“SEC. 271. TEACH FOR AMERICA.**

14 “(a) *DEFINITIONS.*—

15 “(1) *GRANTEE.*—*The term ‘grantee’ means Teach*  
 16 *For America, Inc.*

17 “(2) *HIGH NEED.*—*Notwithstanding section*  
 18 *200(b), the term ‘high need’, when used with respect*  
 19 *to a local educational agency, means a local edu-*  
 20 *cational agency experiencing a shortage of highly*  
 21 *qualified teachers.*

22 “(b) *GRANTS AUTHORIZED.*—*The Secretary is author-*  
 23 *ized to award a grant to Teach For America, Inc., the na-*  
 24 *tional teacher corps of outstanding recent college graduates*  
 25 *who commit to teach for 2 years in underserved commu-*

1 nities in the United States, to implement and expand its  
 2 program of recruiting, selecting, training, and supporting  
 3 new teachers.

4 “(c) *REQUIREMENTS.*—In carrying out the grant pro-  
 5 gram under subsection (b), the Secretary shall enter into  
 6 an agreement with the grantee under which the grantee  
 7 agrees to use the grant funds provided under this subpart  
 8 to—

9 “(1) provide highly qualified teachers to high  
 10 need local educational agencies in urban and rural  
 11 communities;

12 “(2) pay the costs of recruiting, selecting, train-  
 13 ing, and supporting new teachers; and

14 “(3) serve a substantial number and percentage  
 15 of underserved students.

16 “(d) *AUTHORIZED ACTIVITIES.*—

17 “(1) *IN GENERAL.*—Grant funds provided under  
 18 this subpart shall be used by the grantee to carry out  
 19 each of the following activities:

20 “(A) Recruiting and selecting teachers  
 21 through a highly selective national process.

22 “(B) Providing pre-service training to such  
 23 teachers through a rigorous summer institute  
 24 that includes hands-on teaching experience and

1       *significant exposure to education course work*  
2       *and theory.*

3               “(C) *Placing such teachers in schools and*  
4       *positions designated by high need local edu-*  
5       *cational agencies as high need placements serv-*  
6       *ing underserved students.*

7               “(D) *Providing ongoing professional devel-*  
8       *opment activities for such teachers’ first 2 years*  
9       *in the classroom, including regular classroom ob-*  
10       *servations and feedback, and ongoing training*  
11       *and support.*

12              “(2) *LIMITATION.—The grantee shall use all*  
13       *grant funds received under this subpart to support ac-*  
14       *tivities related directly to the recruitment, selection,*  
15       *training, and support of teachers as described in*  
16       *paragraph (1).*

17              “(e) *REPORTS AND EVALUATIONS.—*

18               “(1) *ANNUAL REPORT.—The grantee shall pro-*  
19       *vide to the Secretary an annual report that in-*  
20       *cludes—*

21               “(A) *data on the number and quality of the*  
22       *teachers provided to local educational agencies*  
23       *through a grant under this subpart;*

1           “(B) *an externally conducted analysis of the*  
2           *satisfaction of local educational agencies and*  
3           *principals with the teachers so provided; and*

4           “(C) *comprehensive data on the background*  
5           *of the teachers chosen, the training such teachers*  
6           *received, the placement sites of such teachers, the*  
7           *professional development of such teachers, and*  
8           *the retention of such teachers.*

9           “(2) *STUDY.—*

10           “(A) *IN GENERAL.—From funds appro-*  
11           *priated under section 240, the Secretary shall*  
12           *provide for a study that examines the achieve-*  
13           *ment levels of the students taught by the teachers*  
14           *assisted under this subpart.*

15           “(B) *ACHIEVEMENT GAINS COMPARED.—*  
16           *The study shall compare, within the same*  
17           *schools, the achievement gains made by students*  
18           *taught by teachers who are assisted under this*  
19           *subpart with the achievement gains made by stu-*  
20           *dents taught by teachers who are not assisted*  
21           *under this subpart.*

22           “(3) *REQUIREMENTS.—The Secretary shall pro-*  
23           *vide for such a study not less than once every 3 years,*  
24           *and each such study shall include multiple placement*  
25           *sites and multiple schools within placement sites.*

1           “(4) *PEER REVIEW STANDARDS.*—*Each such*  
 2           *study shall meet the peer review standards of the edu-*  
 3           *cation research community.*

4   **“Subpart 5—Early Childhood Education Professional**  
 5           ***Development and Career Task Force***

6   **“SEC. 281. PURPOSE.**

7           *“It is the purpose of this subpart—*

8           *“(1) to improve the quality of the early child-*  
 9           *hood education workforce by creating a statewide*  
 10          *early childhood education professional development*  
 11          *and career task force for early childhood education*  
 12          *program staff, directors, and administrators; and*

13          *“(2) to create—*

14                *“(A) a coherent system of core competencies,*  
 15                *pathways to qualifications, credentials, degrees,*  
 16                *quality assurances, access, and outreach, for*  
 17                *early childhood education program staff, direc-*  
 18                *tors, and administrators, that is linked to com-*  
 19                *pensation commensurate with experience and*  
 20                *qualifications;*

21                *“(B) articulation agreements that enable*  
 22                *early childhood education professionals to transi-*  
 23                *tion easily among degrees; and*

24                *“(C) compensation initiatives for individ-*  
 25                *uals working in an early childhood education*

1           *program that reflect the individuals’ credentials,*  
2           *degrees, and experience.*

3   **“SEC. 282. DEFINITION OF EARLY CHILDHOOD EDUCATION**  
4           **PROGRAM.**

5           *“In this subpart, the term ‘early childhood education*  
6 *program’ means—*

7           *“(1) a family child care program, center-based*  
8 *child care program, State prekindergarten program,*  
9 *or school-based program, that—*

10           *“(A) provides early childhood education;*

11           *“(B) uses developmentally appropriate*  
12 *practices;*

13           *“(C) is licensed or regulated by the State;*  
14 *and*

15           *“(D) serves children from birth through age*  
16 *5;*

17           *“(2) a Head Start Program carried out under*  
18 *the Head Start Act;*

19           *“(3) an Early Head Start Program carried out*  
20 *under section 645A of the Head Start Act; or*

21           *“(4) a program authorized under section 619 or*  
22 *part C of the Individuals with Disabilities Education*  
23 *Act.*

1 **“SEC. 283. GRANTS AUTHORIZED.**

2 “(a) *IN GENERAL.*—The Secretary is authorized to  
3 award grants to States in accordance with the provisions  
4 of this subpart to enable such States—

5 “(1) to establish a State Task Force described in  
6 section 284; and

7 “(2) to support activities of the State Task Force  
8 described in section 285.

9 “(b) *COMPETITIVE BASIS.*—Grants under this subpart  
10 shall be awarded on a competitive basis.

11 “(c) *EQUITABLE GEOGRAPHIC DISTRIBUTION.*—In  
12 awarding grants under this subpart, the Secretary shall  
13 take into consideration providing an equitable geographic  
14 distribution of such grants.

15 “(d) *DURATION.*—Grants under this subpart shall be  
16 awarded for a period of 3 years.

17 **“SEC. 284. STATE TASK FORCE ESTABLISHMENT.**

18 “(a) *STATE TASK FORCE ESTABLISHED.*—The Gov-  
19 ernor of a State receiving a grant under this subpart shall  
20 establish, or designate an existing entity to serve as, the  
21 State Early Childhood Education Professional Development  
22 and Career Task Force (hereafter in this subpart referred  
23 to as the ‘State Task Force’).

24 “(b) *MEMBERSHIP.*—The State Task Force shall in-  
25 clude a representative of a State educational agency, an in-  
26 stitution of higher education (including an associate or a

1 *baccalaureate degree granting institution of higher edu-*  
 2 *cation), an early childhood education program, a nonprofit*  
 3 *early childhood organization, a statewide early childhood*  
 4 *workforce scholarship or supplemental initiative, and any*  
 5 *other entity or individual the Governor determines appro-*  
 6 *priate.*

7 **“SEC. 285. STATE TASK FORCE ACTIVITIES.**

8       “(a) *ACTIVITIES.—The State Task Force shall—*

9               “(1) *coordinate and communicate regularly with*  
 10 *existing State Advisory Councils on Early Care and*  
 11 *Education or a similar State entity charged with cre-*  
 12 *ating a comprehensive system of early care and edu-*  
 13 *cation in the State (hereafter in this subpart referred*  
 14 *to as ‘State Advisory Councils’) for the purposes of—*

15               “(A) *integrating recommendations for early*  
 16 *childhood professional development and career*  
 17 *activities into the plans of the State Advisory*  
 18 *Council; and*

19               “(B) *assisting in the implementation of*  
 20 *professional development and career activities*  
 21 *that are consistent with the plans described in*  
 22 *subparagraph (A);*

23               “(2) *conduct a review of opportunities for and*  
 24 *barriers to high quality professional development,*  
 25 *training, and higher education degree programs in*



1     *early childhood development and learning, including*  
2     *a periodic statewide survey concerning the demo-*  
3     *graphics of individuals working in early childhood*  
4     *education programs in the State, which survey shall*  
5     *include information disaggregated by—*

6             *“(A) race, gender, and ethnicity;*

7             *“(B) compensation levels;*

8             *“(C) type of early childhood education pro-*  
9     *gram setting;*

10            *“(D) specialized knowledge of child develop-*  
11    *ment;*

12            *“(E) years of experience in an early child-*  
13    *hood education program;*

14            *“(F) attainment of—*

15                *“(i) academic credit for course work;*

16                *“(ii) an academic degree;*

17                *“(iii) a credential;*

18                *“(iv) licensure; or*

19                *“(v) certification in early childhood*  
20    *education; and*

21            *“(G) specialized knowledge in the education*  
22    *of children with limited English proficiency; and*

23            *“(3) develop a plan for a comprehensive state-*  
24    *wide professional development and career system for*  
25    *individuals working in early childhood education pro-*

1        *grams or for early childhood education providers,*  
2        *which plan shall include—*

3                *“(A) methods of providing outreach to early*  
4                *childhood education program staff, directors, and*  
5                *administrators to enable such individuals and*  
6                *providers to be aware of opportunities and re-*  
7                *sources under the statewide plan, which may in-*  
8                *clude outreach to underrepresented populations*  
9                *in the profession;*

10               *“(B) developing a unified data collection*  
11               *and dissemination system for early childhood*  
12               *education training, professional development,*  
13               *and higher education programs;*

14               *“(C) increasing the participation of early*  
15               *childhood educators in high quality training and*  
16               *professional development by assisting in paying*  
17               *the costs of enrollment in and completion of such*  
18               *training and professional development courses;*

19               *“(D) increasing the participation of early*  
20               *childhood educators in postsecondary education*  
21               *programs leading to degrees in early childhood*  
22               *education by providing assistance to pay the*  
23               *costs of enrollment in and completion of such*  
24               *postsecondary education programs, which assist-*  
25               *ance—*

1                   “(i) shall only be provided to an indi-  
2                   vidual who—

3                   “(I) enters into an agreement  
4                   under which the individual agrees to  
5                   work, for a reasonable number of years  
6                   after receiving such a degree, in an  
7                   early childhood education program  
8                   that is located in a low-income area;  
9                   and

10                  “(II) has a family income equal  
11                  to or less than the annually adjusted  
12                  national median family income as de-  
13                  termined by the Bureau of the Census;  
14                  and

15                  “(ii) shall be provided in an amount  
16                  that does not exceed \$17,500;

17                  “(E) supporting professional development  
18                  activities and a career lattice for a variety of  
19                  early childhood professional roles with varying  
20                  professional qualifications and responsibilities  
21                  for early childhood education personnel, includ-  
22                  ing strategies to enhance the compensation of  
23                  such personnel;

24                  “(F) supporting articulation agreements be-  
25                  tween 2- and 4-year public and private institu-

1        *tions of higher education and mechanisms to*  
2        *transform other training, professional develop-*  
3        *ment, and experience into academic credit;*

4                *“(G) developing mentoring and coaching*  
5        *programs to support new educators in and direc-*  
6        *tors of early childhood education programs;*

7                *“(H) providing career development advising*  
8        *with respect to the field of early childhood edu-*  
9        *cation, including informing an individual re-*  
10       *garding—*

11                *“(i) entry into and continuing edu-*  
12        *cation requirements for professional roles in*  
13        *the field;*

14                *“(ii) available financial assistance;*  
15        *and*

16                *“(iii) professional development and ca-*  
17        *reer advancement in the field;*

18                *“(I) enhancing the quality of faculty and*  
19        *course work in postsecondary programs that lead*  
20        *to an associate, baccalaureate, or graduate degree*  
21        *in early childhood education;*

22                *“(J) consideration of the availability of on-*  
23        *line graduate level professional development of-*  
24        *fered by institutions of higher education with ex-*  
25        *perience and demonstrated expertise in estab-*

1            *lishing programs in child development, in order*  
 2            *to improve the skills and expertise of individuals*  
 3            *working in early childhood education programs;*  
 4            *and*

5            *“(K) developing or enhancing a system of*  
 6            *quality assurance with respect to the early child-*  
 7            *hood education professional development and ca-*  
 8            *reer system, including standards or qualifica-*  
 9            *tions for individuals and entities who offer*  
 10           *training and professional development in early*  
 11           *childhood education.*

12           *“(b) PUBLIC HEARINGS.—The State Task Force shall*  
 13           *hold public hearings and provide an opportunity for public*  
 14           *comment on the activities described in the statewide plan*  
 15           *described in subsection (a)(3).*

16           *“(c) PERIODIC REVIEW.—The State Task Force shall*  
 17           *meet periodically to review implementation of the statewide*  
 18           *plan and to recommend any changes to the statewide plan*  
 19           *the State Task Force determines necessary.*

20           **“SEC. 286. STATE APPLICATION AND REPORT.**

21           *“(a) IN GENERAL.—Each State desiring a grant under*  
 22           *this subpart shall submit an application to the Secretary*  
 23           *at such time, in such manner, and accompanied by such*  
 24           *information as the Secretary may reasonably require. Each*  
 25           *such application shall include a description of—*

1           “(1) the membership of the State Task Force;

2           “(2) the activities for which the grant assistance  
3 will be used;

4           “(3) other Federal, State, local, and private re-  
5 sources that will be available to support the activities  
6 of the State Task Force described in section 285;

7           “(4) the availability within the State of train-  
8 ing, educator preparation, professional development,  
9 compensation initiatives, and career systems, related  
10 to early childhood education; and

11           “(5) the resources available within the State for  
12 such training, educator preparation, professional de-  
13 velopment, compensation initiatives, and career sys-  
14 tems.

15           “(b) *REPORT TO THE SECRETARY.*—Not later than 2  
16 years after receiving a grant under this subpart, a State  
17 shall submit a report to the Secretary that shall describe—

18           “(1) other Federal, State, local, and private re-  
19 sources that will be used in combination with a grant  
20 under this subpart to develop or expand the State’s  
21 early childhood education professional development  
22 and career activities;

23           “(2) the ways in which the State Advisory Coun-  
24 cil will coordinate the various State and local activi-

1        *ties that support the early childhood education profes-*  
 2        *sional development and career system; and*

3                *“(3) the ways in which the State Task Force will*  
 4        *use funds provided under this subpart to carry out*  
 5        *the activities described in section 285.*

6    **“SEC. 287. EVALUATIONS.**

7                *“(a) STATE EVALUATION.—Each State receiving a*  
 8        *grant under this subpart shall—*

9                *“(1) evaluate the activities that are assisted*  
 10        *under this subpart in order to determine—*

11                *“(A) the effectiveness of the activities in*  
 12        *achieving State goals;*

13                *“(B) the impact of a career lattice for indi-*  
 14        *viduals working in early childhood education*  
 15        *programs;*

16                *“(C) the impact of the activities on licens-*  
 17        *ing or regulating requirements for individuals in*  
 18        *the field of early childhood development;*

19                *“(D) the impact of the activities, and the*  
 20        *impact of the statewide plan described in section*  
 21        *286(a)(3), on the quality of education, profes-*  
 22        *sional development, and training related to early*  
 23        *childhood education programs that are offered in*  
 24        *the State;*

1           “(E) the change in compensation and reten-  
2           tion of individuals working in early childhood  
3           education programs within the State resulting  
4           from the activities; and

5           “(F) the impact of the activities on the de-  
6           mographic characteristics of individuals working  
7           in early childhood education programs; and

8           “(2) submit a report at the end of the grant pe-  
9           riod to the Secretary regarding the evaluation de-  
10          scribed in paragraph (1).

11          “(b) *SECRETARY’S EVALUATION.*—Not later than Sep-  
12          tember 30, 2013, the Secretary, in consultation with the  
13          Secretary of Health and Human Services, shall prepare  
14          and submit to the authorizing committees an evaluation of  
15          the State reports submitted under subsection (a)(2).”.

16          **SEC. 202. NATIONAL ACADEMY OF SCIENCES STUDY OF**  
17                               **BEST PRACTICES IN TEACHER PREPARATION.**

18          “(a) *IN GENERAL.*—The Secretary shall enter into a  
19          contract with the National Academy of Sciences to conduct  
20          a 2-year study to develop suggested best practices in teacher  
21          preparation for departments, schools, and colleges of edu-  
22          cation. Such best practices shall include recommendations  
23          to improve teaching skills, including skills related to work-  
24          ing with diverse populations.



1       (b) *BEST RESEARCH; SUGGESTED TRAINING.*—The  
2       *suggested best practices developed under subsection (a) shall*  
3       *reflect the best research into how students learn and on the*  
4       *content-specific methods shown to be effective with students,*  
5       *including examining how children learn. The suggested best*  
6       *practices shall include suggested training for general and*  
7       *special education teachers in working with diverse popu-*  
8       *lations, utilizing the principles of universal design for*  
9       *learning, assessments in the classroom, and classroom man-*  
10      *agement.*

11      (c) *COLLABORATION.*—

12           (1) *IN GENERAL.*—In conducting the study  
13       under subsection (a), the National Academy of  
14       Sciences shall collaborate with interested parties in  
15       developing the suggested best practices.

16           (2) *INTERESTED PARTIES.*—In this subsection,  
17       the term “interested parties” means—

18                   (A) college presidents;

19                   (B) deans of arts and sciences and teacher  
20       education programs;

21                   (C) teacher preparation faculty;

22                   (D) chief State school officers;

23                   (E) school superintendents;

24                   (F) teacher organizations;

25                   (G) outstanding teachers and principals;

1                   (H) teacher preparation accrediting organi-  
2                   zations;

3                   (I) individuals or organizations with exper-  
4                   tise in working with diverse populations, includ-  
5                   ing students with disabilities and limited  
6                   English proficient students; and

7                   (J) other organizations with expertise in  
8                   teacher recruitment and training.

9           (d) *PROHIBITION.*—Nothing in this section shall be  
10   construed to authorize the National Academy of Sciences  
11   to recommend, or any other Federal Government entity or  
12   contractor to mandate, direct, control, or suggest, a specific  
13   curriculum for teacher education programs.

14                               **TITLE III—TITLE III**  
15                               **AMENDMENTS**

16   **SEC. 301. PROGRAM PURPOSE.**

17           Section 311 (20 U.S.C. 1057) is amended—

18                   (1) in subsection (b)—

19                               (A) in paragraph (1), by striking “351”  
20                               and inserting “391”; and

21                               (B) in paragraph (3)(F), by inserting “, in-  
22                               cluding services that will assist in the education  
23                               of special populations” before the period; and

24                   (2) in subsection (c)—

1           (A) in paragraph (6), by inserting “, in-  
2           cluding innovative, customized, instruction  
3           courses designed to help retain students and  
4           move the students rapidly into core courses and  
5           through program completion” before the period;

6           (B) by redesignating paragraphs (7)  
7           through (12) as paragraphs (8) through (13), re-  
8           spectively;

9           (C) by inserting after paragraph (6) the fol-  
10          lowing:

11          “(7) Education or counseling services designed to  
12          improve the financial literacy and economic literacy  
13          of students or the students’ parents.”;

14          (D) in paragraph (12) (as redesignated by  
15          subparagraph (B)), by striking “distance learn-  
16          ing academic instruction capabilities” and in-  
17          serting “distance education technologies”; and

18          (E) in the matter preceding subparagraph  
19          (A) of paragraph (13) (as redesignated by sub-  
20          paragraph (B)), by striking “subsection (c)” and  
21          inserting “subsection (b) and section 391”.

1 **SEC. 302. TITLE III GRANTS FOR AMERICAN INDIAN TRIB-**  
 2 **ALLY CONTROLLED COLLEGES AND UNIVER-**  
 3 **SITIES.**

4 (a) *ELIGIBLE INSTITUTIONS.*—Section 316(b)(3) (20  
 5 U.S.C. 1059c(b)(3)) is amended to read as follows:

6 “(3) *TRIBAL COLLEGE OR UNIVERSITY.*—The  
 7 term ‘Tribal College or University’ means an institu-  
 8 tion that—

9 “(A) qualifies for funding under the Trib-  
 10 ally Controlled College or University Assistance  
 11 Act of 1978 (25 U.S.C. 1801 et seq.) or the Nav-  
 12 ajo Community College Assistance Act (25  
 13 U.S.C. 640a note); or

14 “(B) is cited in section 532 of the Equity  
 15 in Educational Land Grant Status Act of 1994  
 16 (7 U.S.C. 301 note).”.

17 (b) *DISTANCE LEARNING.*—Section 316(c)(2) is  
 18 amended—

19 (1) by amending subparagraph (B) to read as  
 20 follows:

21 “(B) construction, maintenance, renovation,  
 22 and improvement in classrooms, libraries, lab-  
 23 oratories, and other instructional facilities, in-  
 24 cluding purchase or rental of telecommunications  
 25 technology equipment or services, and the acqui-  
 26 sition of real property adjacent to the campus of

1           *the institution on which to construct such facilities;*  
2           *ties;”;*

3           *(2) in subparagraph (C), by inserting before the*  
4           *semicolon at the end the following: “, or advanced de-*  
5           *grees in tribal governance or tribal public policy”;*

6           *(3) in subparagraph (D), by inserting before the*  
7           *semicolon at the end the following: “, and in tribal*  
8           *governance or tribal public policy”;*

9           *(4) by striking “and” at the end of subpara-*  
10          *graph (K);*

11          *(5) by redesignating subparagraph (L) as sub-*  
12          *paragraph (M); and*

13          *(6) by inserting after subparagraph (K) the fol-*  
14          *lowing new subparagraph:*

15                 *“(L) developing or improving facilities for*  
16                 *Internet use or other distance learning academic*  
17                 *instruction capabilities; and”.*

18          *(c) APPLICATION AND ALLOTMENT.—Section 316(d) is*  
19          *amended to read as follows:*

20                 *“(d) APPLICATION AND ALLOTMENT.—*

21                         *“(1) INSTITUTIONAL ELIGIBILITY.—To be eligible*  
22                         *to receive assistance under this section, a Tribal Col-*  
23                         *lege or University shall be an eligible institution*  
24                         *under section 312(b).*

1           “(2) *APPLICATION*.—Any Tribal College or Uni-  
 2           *versity desiring to receive assistance under this sec-*  
 3           *tion shall submit an application to the Secretary at*  
 4           *such time, and in such manner, as the Secretary may*  
 5           *reasonably require.*

6           “(3) *MINIMUM GRANT*.—Notwithstanding section  
 7           399(c), the amount allotted to each institution under  
 8           this section shall not be less than \$500,000.

9           “(4) *SPECIAL RULES*.—

10           “(A) *CONCURRENT FUNDING*.—For the pur-  
 11           *poses of this part, no Tribal College or Univer-*  
 12           *sity that is eligible for and receives funds under*  
 13           *this section shall concurrently receive funds*  
 14           *under other provisions of this part or part B.*

15           “(B) *EXEMPTION*.—Section 313(d) shall not  
 16           *apply to institutions that are eligible to receive*  
 17           *funds under this section.”.*

18           “(d) *ALLOTMENT OF REMAINING FUNDS*.—Section 316  
 19           *is further amended by adding at the end the following new*  
 20           *subsection:*

21           “(e) *ALLOTMENT OF REMAINING FUNDS*.—The Sec-  
 22           *retary shall distribute any funds appropriated to carry out*  
 23           *this section for any fiscal year that remain available after*  
 24           *the Secretary has awarded grants under subsection (e), to*  
 25           *each eligible institution as follows:*

1           “(1) 60 percent of the remaining appropriated  
 2       funds shall be distributed among the eligible Tribal  
 3       Colleges and Universities on a pro rata basis, based  
 4       on the respective Indian student counts (as defined in  
 5       section 2(a) of the Tribally Controlled College or Uni-  
 6       versity Assistance Act of 1978 (25 U.S.C. 1801(a)) of  
 7       the Tribal Colleges and Universities; and

8           “(2) the remaining 40 percent shall be distrib-  
 9       uted in equal shares to the eligible Tribal Colleges and  
 10      Universities.”.

11 **SEC. 303. PREDOMINANTLY BLACK INSTITUTIONS.**

12       Part A of title III is amended by inserting after section  
 13 317 (20 U.S.C. 1059d) the following new section:

14 **“SEC. 318. PREDOMINANTLY BLACK INSTITUTIONS.**

15       “(a) *PURPOSE.*—It is the purpose of this section to as-  
 16       sist Predominantly Black Institutions in expanding edu-  
 17       cational opportunity through a program of Federal assist-  
 18       ance.

19       “(b) *DEFINITIONS.*—For purposes of this section:

20           “(1) *PREDOMINANTLY BLACK INSTITUTION.*—The  
 21       term ‘Predominantly Black Institution’ means an in-  
 22       stitution of higher education—

23           “(A) that is an eligible institution (as de-  
 24       fined in paragraph (5)(A) of this subsection)

1           *with a minimum of 1,000 undergraduate stu-*  
2           *dents;*

3           *“(B) at which at least 50 percent of the un-*  
4           *dergraduate students enrolled at the institution*  
5           *are low-income individuals or first-generation*  
6           *college students (as that term is defined in sec-*  
7           *tion 402A(g)); and*

8           *“(C) at which at least 50 percent of the un-*  
9           *dergraduate students are enrolled in an edu-*  
10          *cational program leading to a bachelor’s or asso-*  
11          *ciate’s degree that the institution is licensed to*  
12          *award by the State in which it is located.*

13          *“(2) LOW-INCOME INDIVIDUAL.—The term ‘low-*  
14          *income individual’ has the meaning given such term*  
15          *in section 402A(g).*

16          *“(3) MEANS-TESTED FEDERAL BENEFIT PRO-*  
17          *GRAM.—The term ‘means-tested Federal benefit pro-*  
18          *gram’ means a program of the Federal Government,*  
19          *other than a program under title IV, in which eligi-*  
20          *bility for the programs’ benefits, or the amount of*  
21          *such benefits, or both, are determined on the basis of*  
22          *income or resources of the individual or family seek-*  
23          *ing the benefit.*

24          *“(4) STATE.—The term ‘State’ means each of the*  
25          *50 States and the District of Columbia.*



1           “(5) *OTHER DEFINITIONS.*—For purposes of this  
2           section, the terms defined by section 312 have the  
3           meanings provided by that section, except as follows:

4           “(A) *ELIGIBLE INSTITUTION.*—

5           “(i) The term ‘eligible institution’  
6           means an institution of higher education  
7           that—

8           “(I) has an enrollment of needy  
9           undergraduate students as required  
10          and defined by subparagraph (B);

11          “(II) except as provided in section  
12          392(b), the average educational and  
13          general expenditure of which are low,  
14          per full-time equivalent undergraduate  
15          student in comparison with the aver-  
16          age educational and general expendi-  
17          ture per full-time equivalent under-  
18          graduate student of institutions that  
19          offer similar instruction;

20          “(III) has an enrollment of under-  
21          graduate students that is at least 40  
22          percent Black American students;

23          “(IV) is legally authorized to pro-  
24          vide, and provides within the State, an  
25          educational program for which the in-

stitution 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 asso-  
ciation 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 accredita-  
tion; 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 de-  
scribed 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 para-  
graph (1)(B) shall be twice the level of pri-  
ority given to *Predominantly Black Institu-*  
*tions* with large numbers or percentages of  
students described in paragraph (1)(C).

1                   “(B) *ENROLLMENT OF NEEDY STUDENTS.*—

2                   *The term ‘enrollment of needy students’ means*  
3                   *the enrollment at an eligible institution with re-*  
4                   *spect to which at least 50 percent of the under-*  
5                   *graduate students enrolled in an academic pro-*  
6                   *gram leading to a degree—*

7                   “(i) *in the second fiscal year preceding*  
8                   *the fiscal year for which the determination*  
9                   *is made, were Pell Grant recipients in such*  
10                  *year;*

11                  “(ii) *come from families that receive*  
12                  *benefits under a means-tested Federal bene-*  
13                  *fits program (as defined in paragraph (3));*

14                  “(iii) *attended a secondary school that*  
15                  *was a high-need school during any year of*  
16                  *such attendance; or*

17                  “(iv) *are ‘first-generation college stu-*  
18                  *dents’ as that term is defined in section*  
19                  *402A(g), and a majority of such first-gen-*  
20                  *eration college students are low-income in-*  
21                  *dividuals.*

22                  “(c) *AUTHORIZED ACTIVITIES.*—

23                  “(1) *TYPES OF ACTIVITIES AUTHORIZED.*—  
24                  *Grants awarded pursuant to subsection (d) shall be*  
25                  *used by Predominantly Black Institutions—*

1           “(A) to assist the institution to plan, de-  
2           velop, undertake, and implement programs to en-  
3           hance the institution’s capacity to serve more  
4           low- and middle-income Black American stu-  
5           dents;

6           “(B) to expand higher education opportuni-  
7           ties for title IV eligible students by encouraging  
8           college preparation and student persistence in  
9           secondary and postsecondary education; and

10          “(C) to strengthen the institution’s financial  
11          ability to serve the academic needs of the stu-  
12          dents described in subparagraphs (A) and (B).

13          “(2) *AUTHORIZED ACTIVITIES.*—Grants made to  
14          an institution under subsection (d) shall be used for  
15          one or more of the following activities:

16               “(A) The activities described in section  
17               311(c)(1) through (11).

18               “(B) Academic instruction in disciplines in  
19               which Black Americans are underrepresented.

20               “(C) Establishing or enhancing a program  
21               of teacher education designed to qualify students  
22               to teach in a public elementary or secondary  
23               school in the State that shall include, as part of  
24               such program, preparation for teacher certifi-  
25               cation.

1           “(D) *Establishing community outreach pro-*  
2           *grams which will encourage elementary and sec-*  
3           *ondary students to develop the academic skills*  
4           *and the interest to pursue postsecondary edu-*  
5           *cation.*

6           “(E) *Other activities proposed in the appli-*  
7           *cation submitted pursuant to subsection (e)*  
8           *that—*

9                     “(i) *contribute to carrying out the pur-*  
10                    *poses of this section; and*

11                   “(ii) *are approved by the Secretary as*  
12                   *part of the review and acceptance of such*  
13                   *application.*

14           “(3) *ENDOWMENT FUND.—*

15                   “(A) *IN GENERAL.—A Predominantly Black*  
16                   *Institution may use not more than 20 percent of*  
17                   *the grant funds provided under this section to es-*  
18                   *tablish or increase an endowment fund at the in-*  
19                   *stitution.*

20                   “(B) *MATCHING REQUIREMENT.—In order*  
21                   *to be eligible to use grant funds in accordance*  
22                   *with subparagraph (A), the Predominantly*  
23                   *Black Institution shall provide matching funds*  
24                   *from non-Federal sources, in an amount equal to*  
25                   *or greater than the Federal funds used in accord-*

1           *ance with subparagraph (A), for the establish-*  
2           *ment or increase of the endowment fund.*

3           “(C) *COMPARABILITY.*—*The provisions of*  
4           *part C regarding the establishment or increase of*  
5           *an endowment fund, that the Secretary deter-*  
6           *mines are not inconsistent with this subsection,*  
7           *shall apply to funds used under subparagraph*  
8           *(A).*

9           “(4) *LIMITATION.*—*Not more than 50 percent of*  
10          *the allotment of any Predominantly Black Institution*  
11          *may be available for the purpose of constructing or*  
12          *maintaining a classroom, library, laboratory, or other*  
13          *instructional facility.*

14          “(d) *ALLOTMENTS TO PREDOMINANTLY BLACK INSTI-*  
15          *TUTIONS.*—

16               “(1) *ALLOTMENT: PELL GRANT BASIS.*—*From the*  
17               *amount appropriated to carry out this section for any*  
18               *fiscal year, the Secretary shall allot to each Predomi-*  
19               *nantly Black Institution having an application ap-*  
20               *proved under subsection (e) a sum which bears the*  
21               *same ratio to one-half that amount as the number of*  
22               *Pell Grant recipients in attendance at such institu-*  
23               *tion at the end of the academic year preceding the be-*  
24               *ginning of that fiscal year bears to the total number*

1       *of Pell Grant recipients at all institutions eligible*  
2       *under this section.*

3               “(2) *ALLOTMENT: GRADUATES BASIS.*—*From the*  
4       *amount appropriated to carry out this section for any*  
5       *fiscal year, the Secretary shall allot to each Predomi-*  
6       *nantly Black Institution having an application ap-*  
7       *proved under subsection (e) a sum which bears the*  
8       *same ratio to one-fourth that amount as the number*  
9       *of graduates for such year at such institution bears*  
10       *to the total number of graduates for such year at all*  
11       *intuitions eligible under this section.*

12               “(3) *ALLOTMENT: GRADUATES SEEKING A HIGH-*  
13       *ER DEGREE BASIS.*—*From the amount appropriated*  
14       *to carry out this section for any fiscal year, the Sec-*  
15       *retary shall allot to each Predominantly Black Insti-*  
16       *tution having an application approved under sub-*  
17       *section (e) a sum which bears the same ratio to one-*  
18       *fourth of that amount as the percentage of graduates*  
19       *per institution who, within 2 years of graduation*  
20       *with an associates degree or a baccalaureate degree,*  
21       *are admitted to and in attendance at, either a bacca-*  
22       *laureate degree-granting institution or a graduate or*  
23       *professional school in a degree program in disciplines*  
24       *in which Black American students are underrep-*

resented, 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 reallocation 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 reallocate such*



1        *amounts from time to time, on such date and during*  
2        *such period as the Secretary deems appropriate.*

3        “(e) *APPLICATIONS.—No Predominantly Black Insti-*  
4        *tution shall be entitled to its allotment of Federal funds for*  
5        *any grant under subsection (d) for any period unless the*  
6        *institution submits an application to the Secretary at such*  
7        *time, in such manner, and containing or accompanied by*  
8        *such information as the Secretary may reasonably require.*

9        “(f) *APPLICATION REVIEW PROCESS.—Section 393*  
10       *shall not apply to applications under this section.*

11       “(g) *PROHIBITION.—No Predominantly Black Institu-*  
12       *tion that applies for and receives a grant under this section*  
13       *may apply for or receive funds under any other program*  
14       *under this part or part B of this title.*

15       “(h) *DURATION AND CARRYOVER.—Any funds paid to*  
16       *a Predominantly Black Institution under this section and*  
17       *not expended or used for the purposes for which the funds*  
18       *were paid within 10 years following the date of the grant*  
19       *awarded to such institution under this section shall be re-*  
20       *paid to the Treasury of the United States.”.*

1 **SEC. 304. ASSISTANCE TO ASIAN AMERICAN AND NATIVE**  
2 **AMERICAN PACIFIC ISLANDER-SERVING IN-**  
3 **STITUTIONS.**

4 *Part A of title III is amended by inserting after section*  
5 *318 (as added by section 303 of this Act) the following new*  
6 *section:*

7 **“SEC. 319. ASIAN AMERICAN AND NATIVE AMERICAN PA-**  
8 **CIFIC ISLANDER-SERVING INSTITUTIONS.**

9 *“(a) PROGRAM AUTHORIZED.—The Secretary shall*  
10 *provide grants and related assistance to Asian American*  
11 *and Native American Pacific Islander-serving institutions*  
12 *to enable such institutions to improve and expand their ca-*  
13 *capacity to serve Asian Americans and Native American Pa-*  
14 *cific Islanders.*

15 *“(b) DEFINITIONS.—For the purpose of this section—*  
16 *“(1) the term ‘Asian American’ has the meaning*  
17 *given the term Asian in the Office of Management*  
18 *and Budget’s Standards for Maintaining, Collecting,*  
19 *and Presenting Federal Data on Race and Ethnicity*  
20 *as published on October 30, 1997 (62 Fed. Reg.*  
21 *58789);*

22 *“(2) the term ‘Native American Pacific Islander’*  
23 *means any descendant of the aboriginal people of any*  
24 *island in the Pacific Ocean that is a territory or pos-*  
25 *session of the United States;*

1           “(3) the term ‘Asian American and Native  
2           American Pacific Islander-serving institution’ means  
3           an institution of higher education that—

4                   “(A) is an eligible institution under section  
5                   312(b); and

6                   “(B) at the time of application, has an en-  
7                   rollment of undergraduate students that is at  
8                   least 10 percent Asian American and Native  
9                   American Pacific Islander students; and

10           “(4) the term ‘low-income individual’ means an  
11           individual from a family whose taxable income for  
12           the preceding year did not exceed 150 percent of an  
13           amount equal to the poverty level determined by using  
14           criteria of poverty established by the Bureau of the  
15           Census.

16           “(c) AUTHORIZED ACTIVITIES.—

17                   “(1) TYPES OF ACTIVITIES AUTHORIZED.—  
18                   Grants awarded under this section shall be used by  
19                   Asian American and Native American Pacific Is-  
20                   lander-serving institutions to assist such institutions  
21                   to plan, develop, undertake, and carry out activities  
22                   to improve and expand such institutions’ capacity to  
23                   serve Asian Americans and Native American Pacific  
24                   Islanders.

1           “(2) *EXAMPLES OF AUTHORIZED ACTIVITIES.*—

2       *Such programs may include—*

3           “(A) *purchase, rental, or lease of scientific*  
4       *or laboratory equipment for educational pur-*  
5       *poses, including instructional and research pur-*  
6       *poses;*

7           “(B) *renovation and improvement in class-*  
8       *room, library, laboratory, and other instruc-*  
9       *tional facilities;*

10          “(C) *support of faculty exchanges, and fac-*  
11       *ulty development and faculty fellowships to as-*  
12       *sist in attaining advanced degrees in the fac-*  
13       *ulty’s field of instruction;*

14          “(D) *curriculum development and academic*  
15       *instruction;*

16          “(E) *purchase of library books, periodicals,*  
17       *microfilm, and other educational materials;*

18          “(F) *funds and administrative manage-*  
19       *ment, and acquisition of equipment for use in*  
20       *strengthening funds management;*

21          “(G) *joint use of facilities such as labora-*  
22       *tories and libraries;*

23          “(H) *academic tutoring and counseling pro-*  
24       *grams and student support services;*

1           “(I) *establishing community outreach pro-*  
2           *grams that will encourage elementary school and*  
3           *secondary school students to develop the aca-*  
4           *ademic skills and the interest to pursue postsec-*  
5           *ondary education;*

6           “(J) *establishing or improving an endow-*  
7           *ment fund;*

8           “(K) *academic instruction in disciplines in*  
9           *which Asian Americans and Native American*  
10          *Pacific Islanders are under-represented;*

11          “(L) *conducting research and data collec-*  
12          *tion for Asian American and Native American*  
13          *Pacific Islander populations and sub-popu-*  
14          *lations; and*

15          “(M) *establishing partnerships with com-*  
16          *munity based organizations serving Asian Amer-*  
17          *icans and Native American Pacific Islanders.*

18          “(d) *APPLICATION PROCESS.—*

19               “(1) *INSTITUTIONAL ELIGIBILITY.—Each Asian*  
20               *American and Native American Pacific Islander-serv-*  
21               *ing institution desiring to receive assistance under*  
22               *this section shall submit to the Secretary such enroll-*  
23               *ment data as may be necessary to demonstrate that*  
24               *the institution is an Asian American and Native*  
25               *American Pacific Islander-serving institution as de-*

1 *fined in subsection (b), along with such other infor-*  
2 *mation and data as the Secretary may by regulation*  
3 *require.*

4 “(2) *APPLICATIONS.*—*Any institution which is*  
5 *determined by the Secretary to be an Asian American*  
6 *and Native American Pacific Islander-serving institu-*  
7 *tion may submit an application for assistance under*  
8 *this section to the Secretary. Such application shall*  
9 *include—*

10 “(A) *a 5-year plan for improving the assist-*  
11 *ance provided by the Asian American and Na-*  
12 *tive American Pacific Islander-serving institu-*  
13 *tion to Asian American and Native American*  
14 *Pacific Islander students; and*

15 “(B) *such other information and assurance*  
16 *as the Secretary may require.*

17 “(3) *SPECIAL RULES.*—

18 “(A) *ELIGIBILITY.*—*No Asian American*  
19 *and Native American Pacific Islander-serving*  
20 *institution that receives funds under this section*  
21 *shall concurrently receive funds under other pro-*  
22 *visions of this part or part B.*

23 “(B) *EXEMPTION.*—*Section 313(d) shall not*  
24 *apply to institutions that are eligible to receive*  
25 *funds under this section.*

1                   “(C) *DISTRIBUTION.*—*In awarding grants*  
 2                   *under this section, the Secretary shall—*

3                   “(i) *to the extent possible and con-*  
 4                   *sistent with the competitive process under*  
 5                   *which such grants are awarded, ensure*  
 6                   *maximum and equitable distribution among*  
 7                   *all eligible institutions; and*

8                   “(ii) *give priority consideration to in-*  
 9                   *stitutions that serve a significant percentage*  
 10                   *of Asian American and Native American*  
 11                   *Pacific Islander students who are low-in-*  
 12                   *come individuals.”.*

13 **SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTI-**  
 14 **TUTIONS.**

15           (a) *GRANT PROGRAM AUTHORIZED.*—*Part A of title*  
 16 *III (20 U.S.C. 1057 et seq.) is amended by adding after*  
 17 *section 319 (as added by section 304 of this Act) the fol-*  
 18 *lowing new section:*

19 **“SEC. 320. NATIVE AMERICAN-SERVING, NONTRIBAL INSTI-**  
 20 **TUTIONS.**

21           “(a) *PROGRAM AUTHORIZED.*—*The Secretary shall*  
 22 *provide grants and related assistance to Native American-*  
 23 *serving, nontribal institutions to enable such institutions*  
 24 *to improve and expand their capacity to serve Native Amer-*  
 25 *icans.*

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 IN-*  
 7       *STITUTION.—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 as-*  
 19       *sist such institutions to plan, develop, undertake, and*  
 20       *carry out activities to improve and expand such in-*  
 21       *stitutions’ 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 academic*  
11          *instruction;*

12          “(E) *the purchase of library books, periodi-*  
13          *cals, microfilm, and other educational materials;*

14          “(F) *funds and administrative manage-*  
15          *ment, and acquisition of equipment for use in*  
16          *strengthening funds management;*

17          “(G) *the joint use of facilities such as lab-*  
18          *oratories and libraries; and*

19          “(H) *academic tutoring and counseling pro-*  
20          *grams and student support services.*

21          “(d) *APPLICATION PROCESS.—*

22               “(1) *INSTITUTIONAL ELIGIBILITY.—A Native*  
23               *American-serving, nontribal institution desiring to*  
24               *receive assistance under this section shall submit to*  
25               *the Secretary such enrollment data as may be nec-*

1        *essary to demonstrate that the institution is a Native*  
2        *American-serving, nontribal institution, along with*  
3        *such other information and data as the Secretary*  
4        *may by regulation require.*

5            *“(2) APPLICATIONS.—*

6                    *“(A) PERMISSION TO SUBMIT APPLICA-*  
7                    *TIONS.—Any institution that is determined by*  
8                    *the Secretary to be a Native American-serving,*  
9                    *nontribal institution may submit an application*  
10                   *for assistance under this section to the Secretary.*

11                   *“(B) SIMPLIFIED AND STREAMLINED FOR-*  
12                   *MAT.—The Secretary shall, to the extent possible,*  
13                   *prescribe a simplified and streamlined format*  
14                   *for applications under this section that takes*  
15                   *into account the limited number of institutions*  
16                   *that are eligible for assistance under this section.*

17                   *“(C) CONTENT.—An application submitted*  
18                   *under subparagraph (A) shall include—*

19                            *“(i) a 5-year plan for improving the*  
20                            *assistance provided by the Native Amer-*  
21                            *ican-serving, nontribal institution to Native*  
22                            *Americans; and*

23                            *“(ii) such other information and assur-*  
24                            *ances as the Secretary may require.*

25            *“(3) SPECIAL RULES.—*

1           “(A) *ELIGIBILITY.*—No Native American-  
 2           *serving, nontribal institution that receives funds*  
 3           *under this section shall concurrently receive*  
 4           *funds under other provisions of this part or part*  
 5           *B.*

6           “(B) *EXEMPTION.*—Section 313(d) shall not  
 7           *apply to institutions that are eligible to receive*  
 8           *funds under this section.*

9           “(C) *DISTRIBUTION.*—In awarding grants  
 10          *under this section, the Secretary shall, to the ex-*  
 11          *tent possible and consistent with the competitive*  
 12          *process under which such grants are awarded,*  
 13          *ensure maximum and equitable distribution*  
 14          *among all eligible institutions.”.*

15 **SEC. 306. STRENGTHENING HISTORICALLY BLACK COL-**  
 16 **LEGES AND UNIVERSITIES.**

17          (a) *DEFINITIONS.*—Section 322(4) (20 U.S.C.  
 18          1061(4)) is amended by inserting after “the Secretary” the  
 19          *following: “, in consultation with the Commissioner of the*  
 20          *National Center for Education Statistics,”.*

21          (b) *AUTHORIZED ACTIVITIES.*—Section 323(a) (20  
 22          U.S.C. 1062(a)) is amended—

23                  (1) *by redesignating paragraph (12) as para-*  
 24                  *graph (15); and*

1           (2) *by inserting after paragraph (11) the fol-*  
2           *lowing new paragraphs:*

3           “(12) *Acquisition of real property in connection*  
4           *with the construction, renovation, or addition to or*  
5           *improvement of campus facilities.*

6           “(13) *Education or financial information de-*  
7           *signed to improve the financial literacy and economic*  
8           *literacy of students or the students’ parents, especially*  
9           *with regard to student indebtedness and student as-*  
10          *sistance programs under the title IV.*

11          “(14) *Technical assistance or services necessary*  
12          *for the implementation of projects or activities that*  
13          *are described in the grant application and that are*  
14          *approved, in advance, by the Secretary, except that*  
15          *not more than two percent of the grant amount may*  
16          *be used for this purpose.”.*

17          (c) *ALLOTMENTS.—*

18          (1) *MINIMUM ALLOTMENT.—*Subsection (d) of  
19          *section 324 (20 U.S.C. 1063(d)) is amended to read*  
20          *as follows:*

21          “(d) *MINIMUM ALLOTMENT.—(1) If an otherwise eligi-*  
22          *ble part B institution did not enroll any Pell Grant recipi-*  
23          *ents, or did not graduate any students in the previous aca-*  
24          *demic year, or where appropriate, send any such graduates*

1 on to graduate or first-professional degree study, the insti-  
 2 tution shall not receive a grant under this part.

3 “(2) If the data provided by an eligible institution,  
 4 pursuant to this section, is insufficient to justify an award  
 5 in excess of \$500,000, the otherwise eligible institution shall  
 6 receive an allotment of \$500,000, except that the Secretary  
 7 shall not make an award of \$500,000 if the amount deter-  
 8 mined based upon the formulas using subsection (b), (c),  
 9 and (d) would be less than \$250,000. If the amount deter-  
 10 mined by the formula would be less than \$250,000, the Sec-  
 11 retary shall award the minimum allotment of \$250,000.”.

12 (2) *CONDITION FOR ALLOTMENTS.*—Section 324  
 13 (20 U.S.C. 1063) is further amended by adding at the  
 14 end the following new subsection:

15 “(h) *CONDITIONS FOR ALLOTMENTS.*—No institution  
 16 shall receive an allotment under this section unless the in-  
 17 stitution provides data, required by the Secretary consistent  
 18 with the formula in subsections (a) through (c), including  
 19 the number of Pell Grant recipients enrolled in the previous  
 20 award year; the number of students who earned an associate  
 21 or baccalaureate degree in the previous academic year; and,  
 22 when appropriate, the percentage of graduates who, within  
 23 the past five years, enrolled in a graduate or first-profes-  
 24 sional degree program. No institution shall receive an allot-  
 25 ment, including the minimum allotment under subsection

1 *(d), unless the institution provides the data required of that*  
 2 *institution by the Secretary.”.*

3 *(d) PROFESSIONAL OR GRADUATE INSTITUTIONS.—*

4 *(1) DURATION OF GRANT.—Section 326(b) (20*  
 5 *U.S.C. 1063b(b)) is amended by adding at the end the*  
 6 *following new sentence: “Any funds awarded for such*  
 7 *five-year grant period that are obligated during such*  
 8 *five-year period may be expended during the 10-year*  
 9 *period beginning on the first day of such five-year pe-*  
 10 *riod.”.*

11 *(2) AUTHORIZED ACTIVITIES.—Section 326(c)*  
 12 *(20 U.S.C. 1063b(c)) is amended—*

13 *(A) by striking “and” at the end of para-*  
 14 *graph (6);*

15 *(B) by striking the period at the end of*  
 16 *paragraph (7) and inserting a semicolon; and*

17 *(C) by adding at the end the following new*  
 18 *paragraphs:*

19 *“(8) acquisition of real property in connection*  
 20 *with the construction, renovation, or addition to or*  
 21 *improvement of campus facilities;*

22 *“(9) education or financial information designed*  
 23 *to improve the financial literacy and economic lit-*  
 24 *eracy of students or the students’ parents, especially*

1       *with regard to student indebtedness and student as-*  
2       *sistance programs under the title IV; and*

3               *“(10) technical assistance or services necessary*  
4       *for the implementation of projects or activities that*  
5       *are described in the grant application and that are*  
6       *approved, in advance, by the Secretary, except that*  
7       *not more than two percent of the grant amount may*  
8       *be used for this purpose.”.*

9               (3) *ELIGIBILITY.*—Section 326(e)(1) (20 U.S.C.  
10       1063b(e)(1)) *is amended—*

11               (A) *by striking “and” at the end of sub-*  
12       *paragraph (Q);*

13               (B) *by striking the period at the end of sub-*  
14       *paragraph (R) and inserting a semicolon; and*

15               (C) *by adding at the end the following new*  
16       *subparagraphs:*

17               “(S) *Alabama State University qualified*  
18       *graduate programs;*

19               “(T) *Bowie State University qualified grad-*  
20       *uate programs;*

21               “(U) *Delaware State University qualified*  
22       *graduate programs;*

23               “(V) *Langston University qualified grad-*  
24       *uate programs;*

1                   “(W) *Prairie View A&M University quali-*  
2                   *fied graduate programs; and*

3                   “(X) *University of the District of Columbia*  
4                   *David A. Clarke School of Law.*”.

5                   (4)       *CONFORMING        AMENDMENT.—Section*  
6                   *326(e)(3) (20 U.S.C. 1063b(e)(3)) is amended—*

7                   (A)   *by striking “1998” and inserting*  
8                   *“2008”; and*

9                   (B)   *by striking “(Q) and (R)” and insert-*  
10                  *ing “(S) through (X)”.*

11                  (5) *PRESERVATION OF FUNDING.—Section 326(f)*  
12                  *(20 U.S.C. 1063b(f)) is amended—*

13                  (A)   *in paragraph (1)—*

14                   (i)   *by striking “\$26,600,000” and in-*  
15                   *serting “\$54,500,000”; and*

16                   (ii)   *by striking “(P)” and inserting*  
17                   *“(R)”;*

18                  (B)   *in paragraph (2)—*

19                   (i)   *by striking “\$26,600,000, but not*  
20                   *in excess of \$28,600,000” and inserting*  
21                   *“\$54,500,000, but not in excess of*  
22                   *\$60,500,000”; and*

23                   (ii)   *by striking “subparagraphs (Q)*  
24                   *and (R)” and inserting “subparagraphs (S)*  
25                   *through (X)”;* and



1 (C) in paragraph (3)—

2 (i) by striking “\$28,600,000” and in-  
3 serting “\$60,500,000”; and

4 (ii) by striking “(R)” and inserting  
5 “(X)”.

6 (e) *UNEXPENDED FUNDS*.—Section 327(b) (20 U.S.C.  
7 1063c(b)) is amended to read as follows:

8 “(b) *USE OF UNEXPENDED FUNDS*.—Any funds paid  
9 to an institution and not expended or used for the purposes  
10 for which the funds were paid during the five-year period  
11 following the date of the initial grant award, may be car-  
12 ried over and expended during the succeeding five-year pe-  
13 riod, if such funds were obligated for a purpose for which  
14 the funds were paid during the five-year period following  
15 the date of the initial grant award.”.

16 **SEC. 307. ENDOWMENT CHALLENGE GRANTS.**

17 (a) *AMOUNTS*.—Section 331(b) (20 U.S.C. 1065(b)) is  
18 amended—

19 (1) in paragraph (2)(B)(i), by striking  
20 “\$500,000” and inserting “\$1,000,000”; and

21 (2) in paragraph (5), by striking “\$50,000” and  
22 inserting “\$100,000”.

23 (b) *TECHNICAL ASSISTANCE*.—Section 331 (20 U.S.C.  
24 1065) is further amended by adding at the end the following  
25 new subsection:

1       “(l) *TECHNICAL ASSISTANCE.*—The Secretary, directly  
 2 or by grant or contract, may provide technical assistance  
 3 to eligible institutions to prepare the institutions to qualify,  
 4 apply for, and maintain a grant, under this section.”.

5 **SEC. 308. LIMITATIONS ON FEDERAL INSURANCE FOR**  
 6 **BONDS ISSUED BY THE DESIGNATED BOND-**  
 7 **ING AUTHORITY.**

8       Section 344(a) (20 U.S.C. 1066c(a)) is amended—

9               (1) by striking “\$375,000,000” and inserting  
 10 “\$1,100,000,000”;

11              (2) by striking “\$250,000,000” and inserting  
 12 “\$733,333,333”; and

13              (3) by striking “\$125,000,000” and inserting  
 14 “\$366,666,666”.

15 **SEC. 309. PROGRAMS IN STEM FIELDS.**

16       (a) *YES PARTNERSHIPS; ENTRY INTO STEM*  
 17 *FIELDS.*—Part E of title III (20 U.S.C.1067 et seq.) is  
 18 amended—

19              (1) by redesignating subpart 2 as subpart 3; and

20              (2) by inserting after subpart 1 the following  
 21 new subpart:

22                       **“Subpart 2—Programs in STEM Fields**

23 **“SEC. 355. YES PARTNERSHIPS GRANT PROGRAM.**

24       “(a) *GRANT PROGRAM AUTHORIZED.*—Subject to the  
 25 availability of appropriations to carry out this subpart, the

1 *Secretary shall make grants to eligible partnerships (as de-*  
2 *scribed in subsection (f)) to support underrepresented mi-*  
3 *nority youth engagement in science, technology, engineer-*  
4 *ing, and mathematics through outreach and hands-on, expe-*  
5 *riential-based learning projects that encourage underrep-*  
6 *resented minority students in kindergarten through grade*  
7 *12 to pursue careers in science, technology, engineering, and*  
8 *mathematics.*

9       “(b) *MINIMUM GRANT AMOUNT.*—A grant awarded to  
10 a partnership under this subpart shall be for an amount  
11 that is not less than \$500,000.

12       “(c) *DURATION.*—A grant awarded under this subpart  
13 shall be for a period of 5 years.

14       “(d) *NON-FEDERAL MATCHING SHARE REQUIRED.*—  
15 A partnership receiving a grant under this subpart shall  
16 provide, from non-Federal sources, in cash or in kind, an  
17 amount equal to 50 percent of the costs of the project sup-  
18 ported by such grant.

19       “(e) *DISTRIBUTION OF GRANTS.*—In awarding grants  
20 under this subpart, the Secretary shall ensure that, to the  
21 maximum extent practicable, the projects funded under this  
22 subpart are located in diverse geographic regions of the  
23 United States.

24       “(f) *ELIGIBLE PARTNERSHIPS.*—Notwithstanding the  
25 general eligibility provision in section 361, eligibility to re-

1 *ceive grants under this subpart is limited to partnerships*  
 2 *described in paragraph (5) of such section.*

3 **“SEC. 356. PROMOTION OF ENTRY INTO STEM FIELDS.**

4       “(a) *AUTHORITY TO CONTRACT, SUBJECT TO APPRO-*  
 5 *PRIATIONS.—The Secretary of Education is authorized to*  
 6 *enter into a contract with a firm with a demonstrated*  
 7 *record of success in advertising to implement a campaign*  
 8 *to expand the population of qualified individuals in science,*  
 9 *technology, engineering, and math (STEM) fields by en-*  
 10 *couraging young Americans to enter the those fields.*

11       “(b) *DESIGN OF CAMPAIGN.—Such a campaign shall*  
 12 *be designed to enhance the image of education and profes-*  
 13 *sions in the STEM fields and promote participation in the*  
 14 *STEM fields and shall include—*

15               “(1) *monitoring trends in youth attitudes to-*  
 16 *ward pursuing education and professions in the*  
 17 *STEM fields and their propensity toward entering*  
 18 *the STEM fields;*

19               “(2) *determining what factors contribute to en-*  
 20 *couraging and discouraging Americans from pur-*  
 21 *suing study in STEM fields and entering the STEM*  
 22 *fields professionally;*

23               “(3) *determining what specific factors limit the*  
 24 *participation of groups currently underrepresented in*

1        *STEM fields, including Latinos, African-Americans,*  
2        *and women; and*

3            *“(4) drawing from the market research per-*  
4        *formed under this section and implementing an ad-*  
5        *vertising campaign to encourage young Americans to*  
6        *take up studies in STEM fields, beginning at an*  
7        *early age.*

8            *“(c) REQUIRED COMPONENTS.—Such a campaign*  
9        *shall include components that focus tailored messages on*  
10       *appropriate age groups, starting with elementary school*  
11       *students. Such a campaign shall link participation in the*  
12       *STEM fields to the concept of service to one’s country, so*  
13       *that young people will be encouraged to enter the STEM*  
14       *fields in order fulfill the obligation to be of service to their*  
15       *country.*

16           *“(d) PRIORITY.—Such a campaign shall hold as a high*  
17       *priority making specific appeals to Latinos, African-Amer-*  
18       *icans, and women, who are currently under-represented in*  
19       *the STEM fields, in order to increase their numbers in the*  
20       *STEM fields, and shall tailor recruitment efforts to each*  
21       *specific group.*

22           *“(e) USE OF VARIETY OF MEDIA.—Such a campaign*  
23       *shall make use of a variety of media, with an emphasis*  
24       *on television advertising, to reach its intended audience.*

1       “(f) *TEACHING.*—Such a campaign shall include a  
 2   *narrowly focused effort to attract current professionals in*  
 3   *the STEM fields, through advertising in mediums likely to*  
 4   *reach that specific group, into teaching in a STEM field*  
 5   *in elementary and secondary school.*

6   **“SEC. 357. EVALUATION AND ACCOUNTABILITY PLAN.**

7       *“The Secretary shall develop an evaluation and ac-*  
 8   *countability plan for projects funded under this subpart to*  
 9   *objectively measure the impact of such projects, including*  
 10   *a measure of whether underrepresented minority student en-*  
 11   *rollment in courses related to science, technology, engineer-*  
 12   *ing, and mathematics increases at the secondary and post-*  
 13   *secondary levels.”.*

14       (b) *ELIGIBILITY FOR GRANTS.*—Section 361 (20  
 15   *U.S.C. 1067g) is amended—*

16               (1) *by striking “or” at the end of paragraph (3);*

17               (2) *in paragraph (4)—*

18                       (A) *by inserting “to include public institu-*  
 19                       *tions of higher education” after “organizations,”;*

20                       (B) *by striking “or” at the end of subpara-*  
 21                       *graph (D);*

22                       (C) *by striking the period at the end of sub-*  
 23                       *paragraph (E) and inserting “; or”;*

24                       (D) *by adding at the end the following new*  
 25                       *subparagraph:*

1           “(F) institutions of higher education which  
 2           have State-approved centers for research in  
 3           science, technology, engineering, and mathe-  
 4           matics; or”;

5           (3) by adding at the end the following new para-  
 6           graph:

7           “(5) only with respect to grants under subpart 2,  
 8           partnerships of organizations, the membership of  
 9           which shall include—

10           “(A) at least one institution of higher edu-  
 11           cation eligible for assistance under this title or  
 12           title V;

13           “(B) at least one high need local edu-  
 14           cational agency (as defined in section 200); and

15           “(C) at least two community organizations  
 16           or entities, such as businesses, professional asso-  
 17           ciations, community-based organizations, phil-  
 18           anthropic organizations, or State agencies.”.

19 **SEC. 310. TECHNICAL ASSISTANCE.**

20           Section 391 (20 U.S.C. 1068) is amended by adding  
 21           at the end the following new subsection:

22           “(e) **TECHNICAL ASSISTANCE.**—The Secretary, di-  
 23           rectly or by grant or contract, may provide technical assist-  
 24           ance to eligible institutions to prepare the institutions to  
 25           qualify, apply for, and maintain a grant, under this title.”.

1 **SEC. 311. WAIVER AUTHORITY.**

2       (a) Section 392 (20 U.S.C. 1068a) is amended by add-  
3 ing at the end the following new subsection:

4       “(c) *WAIVER AUTHORITY WITH RESPECT TO INSTITU-*  
5 *TIONS LOCATED IN AN AREA AFFECTED BY A GULF HURRI-*  
6 *CANE DISASTER.*—

7               “(1) *WAIVER AUTHORITY.*—Notwithstanding any  
8 other provision of the law unless enacted with specific  
9 reference to this section, for any affected institution  
10 that was receiving assistance under this title at the  
11 time of a Gulf hurricane disaster, the Secretary shall,  
12 for each of the fiscal years 2009 through 2013—

13               “(A) waive—

14                       “(i) the eligibility data requirements  
15 set forth in section 391(d);

16                       “(ii) the wait-out period set forth in  
17 section 313(d);

18                       “(iii) the allotment requirements under  
19 section 324; and

20                       “(iv) the use of the funding formula de-  
21 veloped pursuant to section 326(f)(3); and

22               “(B) waive or modify any statutory or reg-  
23 ulatory provision to ensure that affected institu-  
24 tions that were receiving assistance under this  
25 title at the time of a Gulf hurricane disaster are  
26 not adversely impacted by any formula calcula-



tion for fiscal year 2009 or for any of the 4 succeeding fiscal years;

“(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));

1           “(ii) is located in an area affected by  
2           a Gulf hurricane disaster; and

3           “(iii) is able to demonstrate that, as a  
4           result of the impact of a Gulf hurricane dis-  
5           aster, the institution—

6                   “(I) incurred physical damage;

7                   “(II) has pursued collateral source  
8                   compensation from insurance, the Fed-  
9                   eral Emergency Management Agency,  
10                  and the Small Business Administra-  
11                  tion, as appropriate; and

12                  “(III) was not able to fully reopen  
13                  in existing facilities or to fully reopen  
14                  to the pre-hurricane enrollment levels  
15                  during the 30-day period beginning on  
16                  August 29, 2005.

17           “(B) AREA AFFECTED BY A GULF HURRI-  
18           CANE DISASTER; GULF HURRICANE DISASTER.—  
19           The terms ‘area affected by a Gulf hurricane dis-  
20           aster’ and ‘Gulf hurricane disaster’ have the  
21           meanings given such terms in section 209 of the  
22           Higher Education Hurricane Relief Act of 2005  
23           (Public Law 109–148, 119 Stat. 2809).”.

1 **SEC. 312. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *AUTHORIZATIONS.*—Section 399(a) (20 U.S.C.  
3 1068h(a)) is amended to read as follows:

4 “(a) *AUTHORIZATIONS.*—

5 “(1) *PART A.*—(A) *There are authorized to be*  
6 *appropriated to carry out part A, \$150,000,000*  
7 *(other than sections 316 through 320) for fiscal year*  
8 *2009, and such sums as may be necessary for each of*  
9 *the 4 succeeding fiscal years.*

10 “(B) *There are authorized to be appropriated to*  
11 *carry out section 316, \$30,000,000 for fiscal year*  
12 *2009 and such sums as may be necessary for each of*  
13 *the 4 succeeding fiscal years.*

14 “(C) *There are authorized to be appropriated to*  
15 *carry out section 317, \$15,000,000 for fiscal year*  
16 *2009 and such sums as may be necessary for each of*  
17 *the 4 succeeding fiscal years.*

18 “(D) *There are authorized to be appropriated to*  
19 *carry out section 318, \$75,000,000 for fiscal year*  
20 *2009 and such sums as may be necessary for each of*  
21 *the 4 succeeding fiscal years.*

22 “(E) *There are authorized to be appropriated to*  
23 *carry out section 319, \$30,000,000 for fiscal year*  
24 *2009 and such sums as may be necessary for each of*  
25 *the 4 succeeding fiscal years.*

1           “(F) *There are authorized to be appropriated to*  
2           *carry out section 320, \$25,000,000 for fiscal year*  
3           *2009 and such sums as may be necessary for each of*  
4           *the 4 succeeding fiscal years.*

5           “(2) *PART B.—(A) There are authorized to be*  
6           *appropriated to carry out part B (other than section*  
7           *326), \$300,000,000 for fiscal year 2009, and such*  
8           *sums as may be necessary for each of the 4 succeeding*  
9           *fiscal years.*

10           “(B) *There are authorized to be appropriated to*  
11           *carry out section 326, \$100,000,000 for fiscal year*  
12           *2009, and such sums as may be necessary for each of*  
13           *the 4 succeeding fiscal years.*

14           “(3) *PART C.—There are authorized to be appro-*  
15           *priated to carry out part C, \$20,000,000 for fiscal*  
16           *year 2009, and such sums as may be necessary for*  
17           *each of the 4 succeeding fiscal years.*

18           “(4) *PART D.—(A) There are authorized to be*  
19           *appropriated to carry out part D (other than section*  
20           *345(7), but including section 347), \$150,000 for fiscal*  
21           *year 2009, and such sums as may be necessary for*  
22           *each of the 4 succeeding fiscal years.*

23           “(B) *There are authorized to be appropriated to*  
24           *carry out section 345(7), such sums as may be nec-*

1        *essary for fiscal year 2009 and each of the 4 suc-*  
 2        *ceeding fiscal years.*

3            “(5) *PART E.—(A) There are authorized to be*  
 4        *appropriated to carry out subpart 1 of part E,*  
 5        *\$12,000,000 for fiscal year 2009 and such sums as*  
 6        *may be necessary for each of the 4 succeeding fiscal*  
 7        *years.*

8            “(B) *There are authorized to be appropriated to*  
 9        *carry out subpart 2 of part E, \$10,000,000 for fiscal*  
 10       *year 2009 and such sums as may be necessary for*  
 11       *each of the 4 succeeding fiscal years.”.*

12        (b) *MINIMUM GRANT AMOUNT.—Section 399 (20*  
 13       *U.S.C. 1068h) is amended by adding at the end the fol-*  
 14       *lowing:*

15        “(c) *MINIMUM GRANT AMOUNT.—The minimum*  
 16       *amount of a grant under this title shall be \$200,000.”.*

17        **SEC. 313. TECHNICAL CORRECTIONS.**

18        (a) *AMENDMENTS.—Title III (20 U.S.C. 1051 et seq.)*  
 19       *is further amended—*

20            (1) *in section 342(5)(C) (20 U.S.C.*  
 21        *1066a(5)(C)), by striking “,” and inserting “,”;*

22            (2) *in section 343(e) (20 U.S.C. 1066b(e)), by in-*  
 23        *serting “SALE OF QUALIFIED BONDS.—” before “Not-*  
 24        *withstanding”;*

1           (3) *in the matter preceding clause (i) of section*  
 2           365(9)(A) (20 U.S.C. 1067k(9)(A)), *by striking “sup-*  
 3           *port” and inserting “supports”;*

4           (4) *in section 391(b)(7)(E) (20 U.S.C.*  
 5           *1068(b)(7)(E)), by striking “subparagraph (E)” and*  
 6           *inserting “subparagraph (D)”;*

7           (5) *in the matter preceding subparagraph (A) of*  
 8           *section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking*  
 9           *“eligible institutions under part A institutions” and*  
 10          *inserting “eligible institutions under part A”; and*

11          (6) *in the matter preceding paragraph (1) of sec-*  
 12          *tion 396 (20 U.S.C. 1068e), by striking “360” and*  
 13          *inserting “399”.*

14          (b) *REDESIGNATION AND RELOCATION.—The Higher*  
 15          *Education Act of 1965 is further amended—*

16               (1) *by redesignating part J of title IV (as added*  
 17               *by section 802 of the College Cost Reduction and Ac-*  
 18               *cess Act) as part G of title III, and moving such part*  
 19               *from the end of title IV to the end of title III; and*

20               (2) *by redesignating section 499A (as added by*  
 21               *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 expected*  
*family contribution with respect to that student for that*  
*year.”.*

*(b) MULTIPLE GRANTS.—*

*(1) AMENDMENT.—Paragraph (5) of section*  
*401(b) is amended to read as follows:*

*“(5) YEAR-ROUND PELL GRANTS.—The Secretary*  
*shall, for students enrolled in a baccalaureate degree,*  
*associate’s degree, or certificate program of study at*  
*an eligible institution, award such students not more*  
*than two Pell grants during an award year to permit*  
*such students to accelerate progress toward their de-*  
*gree or certificate objectives by enrolling in courses for*  
*more than 2 semesters, or 3 quarters, or the equiva-*  
*lent, in a given academic year.”.*

1           (2) *EFFECTIVE DATE.*—*The amendment made by*  
 2           *paragraph (1) shall be effective July 1, 2009.*

3           (c) *INELIGIBILITY BASED ON INVOLUNTARY CIVIL*  
 4           *COMMITMENT FOR SEXUAL OFFENSES.*—*Paragraph (7) of*  
 5           *section 401(b) (as redesignated by section 101(a) of the Col-*  
 6           *lege Cost Reduction and Access Act) is amended by insert-*  
 7           *ing before the period the following: “or who is subject to*  
 8           *an involuntary civil commitment upon completion of a pe-*  
 9           *riod of incarceration for a forcible or nonforcible sexual of-*  
 10           *fense (as determined in accordance with the Federal Bureau*  
 11           *of Investigation’s Uniform Crime Reporting Program)”.*

12           (d) *TECHNICAL AMENDMENT TO CCRAA.*—*Section*  
 13           *401(b)(9)(F) is amended by striking “remain available”*  
 14           *and all that follows and inserting “remain available for*  
 15           *the fiscal year succeeding the fiscal year for which such*  
 16           *amounts are made available.”.*

17           (e) *MAXIMUM DURATION OF ELIGIBILITY.*—*Section*  
 18           *401(c) is amended by adding at the end the following new*  
 19           *paragraph:*

20           “(5) *The period during which a student may receive*  
 21           *Federal Pell Grants shall not exceed the equivalent of 18*  
 22           *semesters or 27 quarters in duration, as determined by the*  
 23           *Secretary by regulation. Such regulations shall provide,*  
 24           *with respect to a student who received a Federal Pell Grant*  
 25           *for a semester or quarter but was enrolled at a fraction of*



1 *full-time, that only that same fraction of such semester or*  
 2 *quarter shall count towards such duration limits. The pro-*  
 3 *visions of this paragraph shall apply only to a student who*  
 4 *receives a Federal Pell Grant for the first time on or after*  
 5 *July 1, 2008.”.*

6 (f) *ACADEMIC COMPETITIVENESS GRANTS.—Section*  
 7 *401A (as amended by section 8003 of Public Law 109–*  
 8 *171)—*

9 (1) *in subsection (b), by striking “academic”*  
 10 *each place it appears;*

11 (2) *in subsection (c)—*

12 (A) *in the matter preceding paragraph*  
 13 *(1)—*

14 (i) *by striking “academic” and insert-*  
 15 *ing “award”; and*

16 (ii) *by striking “full-time”; and*

17 (B) *by amending paragraph (1) to read as*  
 18 *follows:*

19 “(1) *is an eligible student under section 484, in-*  
 20 *cluding being enrolled or accepted for enrollment in*  
 21 *a degree, certificate, or other eligible program leading*  
 22 *to a recognized educational credential at an institu-*  
 23 *tion of higher education;”;* and

24 (C) *in paragraph (3)—*

1                   (i) by striking “academic” each place  
2                   it appears;

3                   (ii) by striking “established by a State  
4                   or local educational agency and recognized  
5                   as such by the Secretary” each place it ap-  
6                   pears in subparagraphs (A)(i) and (B)(i)  
7                   and inserting “that prepares students for  
8                   college and work beyond the basic gradua-  
9                   tion requirements and that is recognized as  
10                  such by the designated State official, or  
11                  with respect to any private school or home  
12                  school, the designated school official for such  
13                  school, consistent with State law”;

14                  (iii) in subparagraph (A)(ii), by in-  
15                  serting “, except as part of a secondary  
16                  school program of study” before the semi-  
17                  colon;

18                  (iv) in subparagraph (C)—

19                         (I) by striking clause (i)(II) and  
20                         inserting the following:

21                                 “(II) a critical foreign language;  
22                                 and”; and

23                                 (II) in clause (ii), by striking the  
24                                 period at the end and inserting “;  
25                                 and”; and

1                   (v) by adding at the end the following:

2                   “(D) the third or fourth year of a program  
3 of undergraduate education at an institution of  
4 higher education (as defined in section 101(a))  
5 that demonstrates, to the satisfaction of the Sec-  
6 retary, that the institution—

7                   “(i) offers a single liberal arts cur-  
8 rriculum leading to a baccalaureate degree,  
9 under which students are not permitted by  
10 the institution to declare a major in a par-  
11 ticular subject area, and those students—

12                   “(I) study, in such years, a sub-  
13 ject described in subparagraph (C)(i)  
14 that is at least equal to the require-  
15 ments for an academic major at an in-  
16 stitution of higher education that offers  
17 a baccalaureate degree in such subject,  
18 as certified by an appropriate official  
19 from the institution; or

20                   “(II) has obtained a cumulative  
21 grade point average of at least 3.0 (or  
22 the equivalent as determined under  
23 regulations prescribed by the Sec-  
24 retary) in the relevant coursework; and

1                   “(ii) offered such curriculum prior to  
2                   February 8, 2006.”;

3           (3) in subsection (d)—

4                   (A) in paragraph (1)(A)—

5                           (i) in clause (i), by inserting “for one  
6                   academic year during the student’s first  
7                   year of enrollment” after “\$750”;

8                           (ii) in clause (ii), by inserting “for one  
9                   academic year during the student’s second  
10                  year of enrollment” after “\$1,300”; and

11                           (iii) in clause (iii)—

12                                   (I) by inserting “for one academic  
13                   year” after “\$4,000”; and

14                                   (II) by striking “subsection  
15                   (c)(3)(C).” and inserting “subpara-  
16                   graph (C) or (D) of subsection (c)(3),  
17                   for each of the 2 years described in  
18                   such subparagraphs; or”;

19           (B) in paragraph (2)—

20                           (i) in subparagraph (A)—

21                                   (I) by striking “an academic”  
22                   and inserting “a”; and

23                                   (II) by striking “(B), or (C)” and  
24                   inserting “(B), (C), or (D)”; and

25                           (ii) in subparagraph (B)—

1 (I) by striking “or” at the end of  
2 clause (ii); and

3 (II) by striking clause (iii) and  
4 inserting the following:

5 “(iii) two academic years under sub-  
6 section (c)(3)(C); or

7 “(iv) two academic years under sub-  
8 section (c)(3)(D).”; and

9 (C) by adding at the end the following new  
10 paragraph:

11 “(3) *ADJUSTMENT FOR LESS THAN FULL-TIME*  
12 *ENROLLMENT.*—A grant awarded under this section  
13 to an eligible student who attends an eligible institu-  
14 tion on a less than full-time (but at least half-time or  
15 more) basis shall be reduced in the same proportion  
16 as would a Federal Pell Grant pursuant to section  
17 401(b)(2)(B).”; and

18 (4) in subsection (g), by striking “academic”  
19 and inserting “award”.

20 **SEC. 402. FEDERAL TRIO PROGRAMS.**

21 (a) *PROGRAM AUTHORITY; AUTHORIZATION OF AP-*  
22 *PROPRIATIONS.*—Section 402A (20 U.S.C. 1070a–11) is  
23 amended—

24 (1) in subsection (b)—

25 (A) in paragraph (1)—

1                   (i) by inserting “community-based or-  
2                   ganizations with experience in serving dis-  
3                   advantaged youth” after “private agencies  
4                   and organizations”; and

5                   (ii) by striking “in exceptional cir-  
6                   cumstances,”;

7                   (B) in paragraph (2)—

8                   (i) in the matter preceding subpara-  
9                   graph (A), by striking “4” and inserting  
10                  “5”;

11                  (ii) by striking subparagraph (A); and

12                  (iii) by redesignating subparagraphs  
13                  (B) and (C) as subparagraphs (A) and (B),  
14                  respectively; and

15                  (C) by striking paragraph (3) and inserting  
16                  the following:

17                  “(3) *MINIMUM GRANTS.*—Unless the institution  
18                  or agency requests a smaller amount, an individual  
19                  grant authorized under this chapter shall be awarded  
20                  in an amount that is not less than \$200,000, except  
21                  that an individual grant authorized under section  
22                  402G shall be awarded in an amount that is not less  
23                  than \$170,000.”;

24                  (2) in subsection (c)—

1           (A) in paragraph (2), by striking “service  
2           delivery” and inserting “high quality service de-  
3           livery, as determined under subsection (f),”;

4           (B) in paragraph (3)(B), by striking “is  
5           not required to” and inserting “shall not”;

6           (C) in paragraph (5), by striking “cam-  
7           puses” and inserting “different campuses”; and

8           (D) in paragraph (6), by adding at the end  
9           the following new sentence: “The Secretary shall  
10          require each applicant for funds under the pro-  
11          grams authorized by this chapter to identify  
12          services to foster care youth as a permissible  
13          service in those programs, and to ensure that  
14          such youth receive supportive services, including  
15          mentoring, tutoring, and other services provided  
16          by those programs.”;

17          (3) in subsection (e)—

18               (A) by striking “(g)(2)” each place it ap-  
19               pears and inserting “(h)(4)”; and

20               (B) by adding at the end the following new  
21               paragraph:

22          “(3) Notwithstanding this subsection and subsection  
23          (i)(4), individuals who are homeless or unaccompanied  
24          youth as defined in section 725 of the McKinney-Vento  
25          Homeless Assistance Act shall be eligible to participate in

1 *programs under sections 402B, 402C, 402D, and 402F of*  
2 *this chapter.”;*

3 *(4) by redesignating subsections (f) and (g) as*  
4 *subsections (g) and (h), respectively;*

5 *(5) by inserting after subsection (e) the following:*

6 *“(f) OUTCOME CRITERIA.—*

7 *“(1) USE FOR PRIOR EXPERIENCE DETERMINA-*  
8 *TION.—The Secretary shall use the outcome criteria*  
9 *described in paragraphs (2) and (3) to evaluate the*  
10 *programs provided by a recipient of a grant under*  
11 *this chapter, and the Secretary shall determine an eli-*  
12 *gible entity’s prior experience of high quality service*  
13 *delivery, as required under subsection (c)(2), based on*  
14 *the outcome criteria.*

15 *“(2) DISAGGREGATION OF RELEVANT DATA.—*  
16 *The outcome criteria under this subsection shall be*  
17 *disaggregated by low-income students, first generation*  
18 *college students, and individuals with disabilities, in*  
19 *the schools and institutions of higher education served*  
20 *by the program to be evaluated.*

21 *“(3) CONTENTS OF OUTCOME CRITERIA.—The*  
22 *outcome criteria under this subsection shall measure,*  
23 *annually and for longer periods, the quality and ef-*  
24 *fectiveness of programs authorized under this chapter*  
25 *and shall include the following:*



1           “(A) For programs authorized under section  
2           402B, the extent to which the eligible entity met  
3           or exceeded the entity’s objectives established in  
4           the entity’s application for such program regard-  
5           ing—

6                   “(i) the delivery of service to a total  
7                   number of students served by the program;

8                   “(ii) the continued secondary school  
9                   enrollment of such students;

10                  “(iii) the graduation of such students  
11                  from secondary school;

12                  “(iv) the completion by such students  
13                  of a rigorous secondary school program of  
14                  study that will make them eligible for pro-  
15                  grams such as the Academic Competitive-  
16                  ness Grants; and

17                  “(v) the enrollment of such students in  
18                  an institution of higher education.

19           “(B) For programs authorized under section  
20           402C, the extent to which the eligible entity met  
21           or exceeded the entity’s objectives for such pro-  
22           gram regarding—

23                   “(i) the delivery of service to a total  
24                   number of students served by the program,

1           *as agreed upon by the entity and the Sec-*  
2           *retary for the period;*

3           *“(ii) such students’ school performance,*  
4           *as measured by the grade point average, or*  
5           *its equivalent;*

6           *“(iii) such students’ academic perform-*  
7           *ance, as measured by standardized tests, in-*  
8           *cluding tests required by the students’ State;*

9           *“(iv) the retention in, and graduation*  
10          *from, secondary school of such students;*

11          *“(v) the completion by such students of*  
12          *a rigorous secondary school program of*  
13          *study that will make them eligible for pro-*  
14          *grams such as the Academic Competitive-*  
15          *ness Grants; and*

16          *“(vi) the enrollment of such students in*  
17          *an institution of higher education.*

18          *“(C) For programs authorized under section*  
19          *402D—*

20          *“(i) the extent to which the eligible en-*  
21          *tity met or exceeded the entity’s objectives*  
22          *regarding the retention in postsecondary*  
23          *education of the students served by the pro-*  
24          *gram;*

1           “(ii)(I) in the case of an entity that is  
2           an institution of higher education offering a  
3           baccalaureate degree, the extent to which the  
4           percentage of students served by the pro-  
5           gram who completed degree programs met  
6           or exceeded the entity’s objectives; or

7           “(II) in the case of an entity that is an  
8           institution of higher education that does not  
9           offer a baccalaureate degree, the extent to  
10          which the students served by the entity met  
11          or exceeded s objectives regarding—

12                 “(aa) the completion of a degree  
13                 or certificate; and

14                 “(bb) the transfer to institutions  
15                 of higher education that offer bacca-  
16                 laureate degrees;

17           “(iii) the extent to which the entity  
18           met or exceeded the entity’s objectives re-  
19           garding the delivery of service to a total  
20           number of students, as agreed upon by the  
21           entity and the Secretary for the period; and

22           “(iv) the extent to which the entity met  
23           or exceeded the entity’s objectives regarding  
24           such students remaining in good academic  
25           standing.

1           “(D) For programs authorized under sec-  
2           tion 402E, the extent to which the entity met or  
3           exceeded the entity’s objectives for such program  
4           regarding—

5                   “(i) the delivery of service to a total  
6                   number of students, as agreed upon by the  
7                   entity and the Secretary for the period;

8                   “(ii) the provision of appropriate  
9                   scholarly and research activities for the stu-  
10                  dents served by the program;

11                  “(iii) the acceptance and enrollment of  
12                  such students in graduate programs; and

13                  “(iv) the continued enrollment of such  
14                  students in graduate study and the attain-  
15                  ment of doctoral degrees by former program  
16                  participants.

17           “(E) For programs authorized under section  
18           402F, the extent to which the entity met or ex-  
19           ceeded the entity’s objectives for such program re-  
20           garding—

21                   “(i) the enrollment of students without  
22                   a secondary school diploma or its recognized  
23                   equivalent, who were served by the program,  
24                   in programs leading to such diploma or  
25                   equivalent;

1           “(ii) the enrollment of secondary school  
2           graduates who were served by the program  
3           in programs of postsecondary education;

4           “(iii) the delivery of service to a total  
5           number of students, as agreed upon by the  
6           entity and the Secretary for the period; and

7           “(iv) the provision of assistance to stu-  
8           dents served by the program in completing  
9           financial aid applications and college ad-  
10          mission applications.

11          “(4) MEASUREMENT OF PROGRESS.—In order to  
12          determine the extent to which an outcome criterion  
13          described in paragraph (2) or (3) is met or exceeded,  
14          the Secretary shall compare the agreed upon target  
15          for the criterion, as established in the eligible entity’s  
16          application approved for funding by the Secretary,  
17          with the results for the criterion, measured as of the  
18          last day of the applicable time period for the deter-  
19          mination for each outcome criteria.

20          “(5) APPEALS.—Upon determination by the Sec-  
21          retary not to accept an application, or upon deter-  
22          mination by the Secretary through the peer review  
23          process as specified in (c)(4) not to fund an applica-  
24          tion, for any program under this chapter, the Sec-  
25          retary shall allow such applicant to appeal to an ad-

1        *ministrative law judge that the Secretary improperly*  
 2        *rejected or improperly scored the evaluation criteria*  
 3        *points. The Secretary shall notify each entity request-*  
 4        *ing assistance under this chapter regarding the status*  
 5        *of their application at least 90 days prior to the*  
 6        *startup date of such program.”;*

7            *(6) in subsection (g) (as redesignated by para-*  
 8        *graph (4))—*

9            *(A) in the first sentence, by striking*  
 10        *“\$700,000,000 for fiscal year 1999” and all that*  
 11        *follows through the period and inserting*  
 12        *“\$950,000,000 for fiscal year 2009 and such*  
 13        *sums for each of the 4 succeeding fiscal years.”;*  
 14        *and*

15            *(B) by striking the fourth sentence; and*

16            *(7) in subsection (h) (as redesignated by para-*  
 17        *graph (4))—*

18            *(A) by redesignating paragraphs (1)*  
 19        *through (4) as paragraphs (3) through (6), re-*  
 20        *spectively;*

21            *(B) by inserting before paragraph (3) (as*  
 22        *redesignated by subparagraph (A)) the following:*

23            *“(1) DIFFERENT CAMPUS.—The term ‘different*  
 24        *campus’ means a site of an institution of higher edu-*  
 25        *cation that—*

1           “(A) is geographically apart from the main  
2           campus of the institution;

3           “(B) is permanent in nature; and

4           “(C) offers courses in educational programs  
5           leading to a degree, certificate, or other recog-  
6           nized educational credential.

7           “(2) *DIFFERENT POPULATION*.—The term ‘dif-  
8           ferent population’ means a group of individuals that  
9           an eligible entity desires to serve through an applica-  
10          tion for a grant under this chapter, and that—

11           “(A) is separate and distinct from any  
12           other population that the entity has applied for  
13           a grant under this chapter to serve; or

14           “(B) while sharing some of the same needs  
15           as another population that the eligible entity has  
16           applied for a grant under this chapter to serve,  
17           has distinct needs for specialized services.”;

18           (C) in paragraph (5) (as redesignated by  
19           subparagraph (A))—

20           (i) in subparagraph (A)—

21           (I) by striking “, any part of  
22           which occurred after January 31,  
23           1955,”; and

24           (II) by striking “or” after the  
25           semicolon;

1                   (ii) in subparagraph (B)—

2                   (I) by striking “after January 31,  
3                   1955,”; and

4                   (II) by striking the period at the  
5                   end and inserting a semicolon; and

6                   (iii) by adding at the end the fol-  
7                   lowing:

8                   “(C) was a member of a reserve component  
9                   of the Armed forces called to active duty for a  
10                  period of more than 180 days; or

11                  “(D) was a member of a reserve component  
12                  of the Armed Forces who served on active duty  
13                  in support of a contingency operation (as that  
14                  term is defined in section 101(a)(13) of title 10,  
15                  United States Code) on or after September 11,  
16                  2001.”; and

17                  (D) in paragraph (6), by striking “sub-  
18                  paragraph (A) or (B) of paragraph (3)” and in-  
19                  serting “subparagraph (A), (B), or (C) of para-  
20                  graph (5)”.

21           (b) UPWARD BOUND.—Section 402C (20 U.S.C.  
22 1070a–13) is amended—

23                  (1) in subsection (b)(11), by inserting “, includ-  
24                  ing mathematics and science preparation,” after  
25                  “special services”; and



1           (2) *by adding at the end the following:*

2           “(f) *ABSOLUTE PRIORITY PROHIBITED IN UPWARD*  
 3 *BOUND PROGRAM.—Except as otherwise expressly provided*  
 4 *by amendment to this section, the Secretary shall not imple-*  
 5 *ment or enforce, and shall rescind, the absolute priority for*  
 6 *Upward Bound Program participant selection and evalua-*  
 7 *tion published by the Department of Education in the Fed-*  
 8 *eral Register on September 22, 2006 (71 Fed. Reg. 55447*  
 9 *et seq.).”.*

10          (c) *AMENDMENT TO POSTBACCALAUREATE ACHIEVE-*  
 11 *MENT PROGRAM.—Section 402E(c)(2) (20 U.S.C. 1070a–*  
 12 *15(c)(2)) is amended by inserting “, including Native Ha-*  
 13 *waiians, as defined section 317(b)(3), and Pacific Island-*  
 14 *ers” after “graduate education”.*

15          (d) *REPORTS, EVALUATIONS, AND GRANTS FOR*  
 16 *PROJECT IMPROVEMENT AND DISSEMINATION.—Section*  
 17 *402H (20 U.S.C. 1070a–18) is amended—*

18           (1) *by striking the section heading and inserting*

19           **“REPORTS, EVALUATIONS, AND GRANTS FOR**  
 20 **PROJECT IMPROVEMENT AND DISSEMINA-**  
 21 **TION.”;**

22           (2) *by redesignating subsections (a) through (c)*  
 23 *as subsections (b) through (d), respectively;*

24           (3) *by inserting before subsection (b) (as redesign-*  
 25 *ated by paragraph (2)) the following:*

1       “(a) *REPORTS TO THE AUTHORIZING COMMITTEES.*—  
 2       *The Secretary shall submit annually to the authorizing*  
 3       *committees a report that documents the performance of all*  
 4       *programs funded under this chapter. The report shall—*

5               “(1) *be submitted not later than 24 months after*  
 6       *the eligible entities receiving funds under this chapter*  
 7       *are required to report their performance to the Sec-*  
 8       *retary;*

9               “(2) *focus on the programs’ performance on the*  
 10       *relevant outcome criteria determined under section*  
 11       *402A(f)(4);*

12              “(3) *aggregate individual project performance*  
 13       *data on the outcome criteria in order to provide na-*  
 14       *tional performance data for each program;*

15              “(4) *include, when appropriate, descriptive data,*  
 16       *multi-year data, and multi-cohort data; and*

17              “(5) *include comparable data on the performance*  
 18       *nationally of low-income students, first-generation*  
 19       *students, and students with disabilities.”; and*

20              “(4) *in subsection (b) (as redesignated by para-*  
 21       *graph (2)), by striking paragraph (2) and inserting*  
 22       *the following:*

23              “(2) *PRACTICES.*—

24                      “(A) *IN GENERAL.*—*The evaluations de-*  
 25       *scribed in paragraph (1) shall identify institu-*

1           *tional, community, and program or project prac-*  
2           *tices that are particularly effective in—*

3                     *“(i) enhancing the access of low-income*  
4                     *individuals and first-generation college stu-*  
5                     *dents to postsecondary education;*

6                     *“(ii) the preparation of the individuals*  
7                     *and students for postsecondary education;*  
8                     *and*

9                     *“(iii) fostering the success of the indi-*  
10                    *viduals and students in postsecondary edu-*  
11                    *cation.*

12                    *“(B) PRIMARY PURPOSE.—Any evaluation*  
13                    *conducted under this chapter shall have as its*  
14                    *primary purpose the identification of particular*  
15                    *practices that further the achievement of the out-*  
16                    *come criteria determined under section*  
17                    *402A(f)(4).*

18                    *“(C) DISSEMINATION AND USE OF EVALUA-*  
19                    *TION FINDINGS.—The Secretary shall dissemi-*  
20                    *nate to eligible entities and make available to the*  
21                    *public the practices identified under subpara-*  
22                    *graph (B). Such practices may be used by eligi-*  
23                    *ble entities that receive assistance under this*  
24                    *chapter after the dissemination.*

1           “(3) *RECRUITMENT.*—*The Secretary shall not re-*  
 2           *quire an eligible entity desiring to receive assistance*  
 3           *under this chapter to recruit students to serve as a*  
 4           *control group for purposes of evaluating any program*  
 5           *or project assisted under this chapter.*

6           “(4) *CONSIDERATION.*—*When designing an eval-*  
 7           *uation under this subsection, the Secretary shall con-*  
 8           *sider—*

9                     “(A) *the burden placed upon the program*  
 10                    *participants or the eligible entity; and*

11                   “(B) *approval by the institution’s institu-*  
 12                    *tional review board.”.*

13 **SEC. 403. GEARUP AMENDMENTS.**

14           (a) *ELIGIBLE STUDENTS.*—*Section 404A(a) (20*  
 15           *U.S.C. 1070a–21(a)) is amended—*

16                   (1) *in paragraph (1), by inserting “, including*  
 17                    *students with disabilities,” after “low-income stu-*  
 18                    *dents”; and*

19                   (2) *in paragraph (2)(A), by inserting “, includ-*  
 20                    *ing students with disabilities,” after “secondary*  
 21                    *school students”.*

22           (b) *AWARD PERIOD; PRIORITY.*—*Section 404A(b) (20*  
 23           *U.S.C. 1070a–21(b)) is amended by striking paragraph (2)*  
 24           *and inserting the following:*

1           “(2) *AWARD PERIOD.*—*The Secretary may*  
 2           *award a grant under this chapter to an eligible entity*  
 3           *described in paragraphs (1) and (2) of subsection (c)*  
 4           *for 7 years.*

5           “(3) *PRIORITY.*—*In making awards to eligible*  
 6           *entities described in subsection (c)(1), the Secretary*  
 7           *shall—*

8                   “(A) *give priority to eligible entities that—*

9                           “(i) *on the day before the date of enact-*  
 10                           *ment of the College Opportunity and Afford-*  
 11                           *ability Act of 2007, carried out successful*  
 12                           *educational opportunity programs under*  
 13                           *this chapter (as this chapter was in effect*  
 14                           *on such day); and*

15                           “(ii) *have a prior, demonstrated com-*  
 16                           *mitment to early intervention leading to*  
 17                           *college access through collaboration and rep-*  
 18                           *lication of successful strategies; and*

19                           “(B) *ensure that students served under this*  
 20                           *chapter on the day before the date of enactment*  
 21                           *of the College Opportunity and Affordability Act*  
 22                           *of 2007 continue to receive assistance through the*  
 23                           *completion of secondary school.”.*

24           (c) *REQUIREMENTS: CONTINUITY OF SERVICES.*—

1           (1) *COHORT APPROACH*.—Section 404B(g)(1) (20  
2   *U.S.C. 1070a–22(g)(1)*) is amended—

3           (A) by striking “and” at the end of sub-  
4   paragraph (A);

5           (B) in subparagraph (B)—

6           (i) by inserting “and provide the op-  
7   tion of continued services through the stu-  
8   dent’s first year of attendance at an institu-  
9   tion of higher education” after “grade  
10   level”; and

11          (ii) by striking the period at the end  
12   and inserting “; and”; and

13          (C) by adding at the end the following new  
14   subparagraph:

15          “(C) provide services under this chapter to  
16   students who have received services under a pre-  
17   vious GEAR UP grant award but have not yet  
18   completed the 12th grade.”.

19       (2) *EARLY INTERVENTION*.—Section 404D (20  
20   *U.S.C. 1070a–24*) is amended—

21       (A) in subsection (a)(1)(B)—

22       (i) by striking “and” at the end of  
23   clause (ii);

24       (ii) by striking the period at the end of  
25   clause (iii) and inserting “; and”; and

1                   (iii) by adding at the end the following  
2 new clause:

3                   “(iv) the transition to college or post-  
4 secondary education through continuity of  
5 services to support students in and through  
6 the first year of attendance at an institu-  
7 tion of higher education.”;

8 (B) in subsection (b)(2)(A)—

9                   (i) by inserting “and students in the  
10 first year of attendance at an institution of  
11 higher education” after “grade 12”;

12                   (ii) by striking “and” at the end of  
13 clause (i);

14                   (iii) by striking the period at the end  
15 of clause (ii) and inserting “; and”; and

16                   (iv) by adding at the end the following  
17 new clause:

18                   “(iii) may include special programs or  
19 tutoring in science, technology, engineering,  
20 or mathematics.”; and

21 (C) in subsection (c)—

22                   (i) in the matter preceding paragraph  
23 (1), by striking “grade 12 who is eligible”  
24 and inserting “grade 12, and may consider

1                   *a student in the first year of attendance at*  
 2                   *an institution, who is”;*

3                   (ii) in paragraph (1), by inserting “el-  
 4                   igible” before “to be counted”;

5                   (iii) in paragraph (2), by inserting  
 6                   “eligible” before “for free”, and by striking  
 7                   “or”;

8                   (iv) in paragraph (3), by inserting “el-  
 9                   igible” before “for assistance”, and by strik-  
 10                  ing the period and inserting a semicolon;  
 11                  and

12                  (v) by adding at the end the following  
 13                  new paragraphs:

14                  “(4) in foster care; or

15                  “(5) a homeless or unaccompanied youth as de-  
 16                  fined in section 725 of the McKinney-Vento Homeless  
 17                  Assistance Act.”.

18                  (d) *FLEXIBILITY IN MEETING MATCHING REQUIRE-*  
 19                  MENTS.—Section 404C (20 U.S.C. 1070a–23) is amended—  
 20                  (1) in subsection (b)—

21                         (A) in paragraph (1)(A), by inserting “and  
 22                         accrued over the full duration of the grant award  
 23                         period” after “in cash or in kind”;

24                         (B) in paragraph (2), by adding at the end  
 25                         the following new sentence: “Eligible entities



1           *may request a reduced match percentage at the*  
2           *time of application or by petition subsequent to*  
3           *a grant award, provided that an eligible entity*  
4           *can demonstrate a change in circumstances that*  
5           *was unknown at the time of application.”; and*

6           (C) *by adding at the end the following new*  
7           *paragraph:*

8           “(3) *ADDITIONAL SPECIAL RULE.—To encourage*  
9           *eligible entities described in 404A(c) to provide stu-*  
10           *dents under this chapter with financial assistance for*  
11           *postsecondary education, each dollar of non-Federal*  
12           *funds obligated under subsection (c)(1) and (c)(2)*  
13           *shall, for purposes of paragraph (1)(A) of this sub-*  
14           *section, be treated as 2 dollars.”; and*

15           (2) *in subsection (c)—*

16           (A) *in paragraph (1), by striking “paid to*  
17           *students from State, local, institutional, or pri-*  
18           *rate funds under this chapter” and inserting*  
19           *“obligated to students from State, local, institu-*  
20           *tional, or private funds under this chapter, in-*  
21           *cluding pre-existing , non-Federal financial as-*  
22           *sistance programs”;*

23           (B) *by striking “and” at the end of para-*  
24           *graph (2);*

1           (C) by striking the period at the end of  
2           paragraph (3) and inserting “; and”; and

3           (D) by adding at the end the following new  
4           paragraph:

5           “(4) other resources recognized by the Secretary,  
6           including equipment and supplies, cash contribution  
7           from non-Federal sources, transportation expenses, in-  
8           kind or discounted program services, indirect costs,  
9           and facility usage.”.

10          (e) *EARLY INTERVENTION*.—Section 404D (20 U.S.C.  
11 1070a–24) is amended—

12           (1) in subsection (b)(2)(A)(ii), by striking “and  
13           academic counseling” and inserting “, academic  
14           counseling, and financial literacy and economic lit-  
15           eracy education or counseling”;

16           (2) in subsection (b)(2), by adding at the end the  
17           following new subparagraphs:

18           “(F) Fostering and improving parent and  
19           family involvement in elementary and secondary  
20           education by promoting the advantages of a col-  
21           lege education, and emphasizing academic ad-  
22           mission requirements and the need to take college  
23           preparation courses, through parent engagement  
24           and leadership activities.

1           “(G) *Engaging entities described in section*  
2           *404A(c)(2)(C) in a collaborative manner to pro-*  
3           *vide matching resources and participate in other*  
4           *activities authorized under this section.*

5           “(H) *Disseminating information that pro-*  
6           *motes the importance of higher education, ex-*  
7           *plains college preparation and admission re-*  
8           *quirements, and raises awareness of the resources*  
9           *and services provided by the eligible entities de-*  
10          *scribed in section 404A(c) to eligible students,*  
11          *their families, and communities.”; and*

12          *(3) by adding at the end of subsection (b) the fol-*  
13          *lowing new paragraph:*

14          “(3) *ADDITIONAL PERMISSIBLE ACTIVITIES FOR*  
15          *STATES.—In meeting the requirements of subsection*  
16          *(a), an eligible entity described in section 404A(c) (1)*  
17          *receiving funds under this chapter may, in addition*  
18          *to the activities authorized by paragraph (2) of this*  
19          *subsection, use funds to provide technical assistance*  
20          *to—*

21                 “(A) *middle schools or secondary schools*  
22                 *that are located within the State; or*

23                 “(B) *partnerships described in section*  
24                 *404A(c)(2) that are located within the State.”.*

1       (f) *SCHOLARSHIP COMPONENT*.—Section 404E (20  
2   *U.S.C. 1070a–25*) is amended—

3           (1) in subsection (a)(1), by inserting “to supple-  
4       ment aid for which they are regularly eligible” after  
5       “shall establish or maintain a financial assistance  
6       program that awards scholarships to students”;

7           (2) in subsection (a)(2), by inserting “to supple-  
8       ment aid for which they are regularly eligible” after  
9       “An eligible entity described in section 404A(c)(2)  
10      may award scholarships to eligible students”; and

11          (3) in subsection (b)(2), by striking “the max-  
12      imum Federal Pell Grant” and inserting “the min-  
13      imum Federal Pell Grant”.

14      (g) *AUTHORIZATION OF APPROPRIATIONS*.—Section  
15   404H (20 *U.S.C. 1070a–31*) is amended by striking  
16   “\$200,000,000 for fiscal year 1999 and such sums as may  
17   be necessary for each of the 4 succeeding fiscal years” and  
18   inserting “\$400,000,000 for fiscal year 2009 and such sums  
19   as may be necessary for each of the 4 succeeding fiscal  
20   years”.

21   **SEC. 404. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLAR-**  
22                                   **SHIPS.**

23      Chapter 3 of subpart 1 of part A of title IV (20 *U.S.C.*  
24   *1070a–31 et seq.*) is repealed.

1 **SEC. 405. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPOR-**  
 2 **TUNITY GRANTS.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
 4 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking  
 5 “\$675,000,000 for fiscal year 1999” and inserting  
 6 “\$875,000,000 for fiscal year 2009”.

7 (b) *ALLOWANCE FOR BOOKS AND SUPPLIES.*—Section  
 8 413D(c)(3)(D) (20 U.S.C. 1070b–3(c)(3)(D)) is amended by  
 9 striking “\$450” and inserting “\$600”.

10 **SEC. 406. GRANTS FOR ACCESS AND PERSISTENCE.**

11 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
 12 415A(b) (20 U.S.C. 1070c(b)) is amended by striking para-  
 13 graphs (1) and (2) and inserting the following:

14 “(1) *IN GENERAL.*—There are authorized to be  
 15 appropriated to carry out this subpart \$200,000,000  
 16 for fiscal year 2009 and such sums as may be nec-  
 17 essary for each of the 4 succeeding fiscal years.

18 “(2) *RESERVATION.*—For any fiscal year for  
 19 which the amount appropriated under paragraph (1)  
 20 exceeds \$30,000,000, the excess amount shall be avail-  
 21 able to carry out section 415E.”.

22 (b) *APPLICATIONS FOR LEVERAGING EDUCATIONAL*  
 23 *ASSISTANCE PARTNERSHIP PROGRAMS.*—Section 415C(b)  
 24 (20 U.S.C. 1070c–2(b)) is amended—

25 (1) in paragraph (2), by striking “\$5,000” and  
 26 inserting “\$12,500”;

1           (2) in paragraph (9), by striking “and” after the  
2       semicolon;

3           (3) in paragraph (10), by striking the period at  
4       the end and inserting “; and”; and

5           (4) by adding at the end the following:

6           “(11) provides notification to eligible students  
7       that such grants are—

8                       “(A) Leveraging Educational Assistance  
9       Partnership Grants; and

10                      “(B) funded by the Federal Government and  
11       the State.”.

12       (c) *GRANTS FOR ACCESS AND PERSISTENCE*.—Section  
13   415E (20 U.S.C. 1070c–3a) is amended to read as follows:

14   **“SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.**

15       “(a) *PURPOSE*.—It is the purpose of this section to ex-  
16   pand college access and increase college persistence by mak-  
17   ing allotments to States to enable the States to—

18                      “(1) expand and enhance partnerships with in-  
19   stitutions of higher education, early information and  
20   intervention, mentoring, or outreach programs, pri-  
21   vate corporations, philanthropic organizations, and  
22   other interested parties to carry out activities under  
23   this section and to provide coordination and cohesion  
24   among Federal, State, and local governmental and

1       *private efforts that provide financial assistance to*  
 2       *help low-income students attend college;*

3               “(2) *provide need-based access and persistence*  
 4       *grants to eligible low-income students;*

5               “(3) *provide early notification to low-income*  
 6       *students of their eligibility for financial aid; and*

7               “(4) *encourage increased participation in early*  
 8       *information and intervention, mentoring, or outreach*  
 9       *programs.*

10       “(b) *ALLOTMENTS TO STATES.—*

11               “(1) *IN GENERAL.—*

12                       “(A) *AUTHORIZATION.—From sums re-*  
 13       *served under section 415A(b)(2) for each fiscal*  
 14       *year, the Secretary shall make an allotment to*  
 15       *each State that submits an application for an al-*  
 16       *lotment in accordance with subsection (c) to en-*  
 17       *able the State to pay the Federal share of the*  
 18       *cost of carrying out the activities under sub-*  
 19       *section (d).*

20                       “(B) *DETERMINATION OF ALLOTMENT.—In*  
 21       *making allotments under subparagraph (A), the*  
 22       *Secretary shall consider the following:*

23                               “(i) *CONTINUATION OF AWARD.—If a*  
 24       *State continues to meet the specifications es-*  
 25       *tablished in its application under sub-*

1           *section (c), the Secretary shall make an al-*  
2           *lotment to such State that is not less than*  
3           *the allotment made to such State for the*  
4           *previous fiscal year.*

5           “(ii) *PRIORITY.—The Secretary shall*  
6           *give priority in making allotments to States*  
7           *that meet the requirements under paragraph*  
8           *(2)(B)(ii).*

9           “(2) *FEDERAL SHARE.—*

10           “(A) *IN GENERAL.—The Federal share of*  
11           *the cost of carrying out the activities under sub-*  
12           *section (d) for any fiscal year shall not exceed*  
13           *66.66 percent.*

14           “(B) *DIFFERENT PERCENTAGES.—The Fed-*  
15           *eral share under this section shall be determined*  
16           *in accordance with the following:*

17           “(i) *The Federal share of the cost of*  
18           *carrying out the activities under subsection*  
19           *(d) shall be equal to 57 percent if a State*  
20           *applies for an allotment under this section*  
21           *in partnership with any number of degree-*  
22           *granting institutions of higher education in*  
23           *the State whose combined full-time enroll-*  
24           *ment 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 State*  
12 *applies for an allotment under this section*  
13 *in partnership with any number of degree-*  
14 *granting institutions of higher education in*  
15 *the State whose combined full-time enroll-*  
16 *ment represents a majority of all students*  
17 *attending institutions of higher education*  
18 *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.—*

1                   “(i) *IN GENERAL.*—*The non-Federal*  
 2                   *share under this section may be provided in*  
 3                   *cash or in kind, fairly evaluated.*

4                   “(ii) *IN KIND CONTRIBUTION.*—*For the*  
 5                   *purpose of calculating the non-Federal share*  
 6                   *under this subparagraph, an in kind con-*  
 7                   *tribution is a non-cash contribution that—*

8                               “(I) *has monetary value, such as*  
 9                               *the provision of—*

10                                       “(aa) *room and board; or*

11                                       “(bb) *transportation passes;*

12                                       *and*

13                               “(II) *helps a student meet the cost*  
 14                               *of attendance at an institution of high-*  
 15                               *er education.*

16                   “(iii) *EFFECT ON NEEDS ANALYSIS.*—  
 17                   *For the purpose of calculating a student’s*  
 18                   *need in accordance with part F, an in kind*  
 19                   *contribution described in clause (ii) shall*  
 20                   *not be considered an asset or income of the*  
 21                   *student or the student’s parent.*

22                   “(c) *APPLICATION FOR ALLOTMENT.*—

23                               “(1) *IN GENERAL.*—

24                               “(A) *SUBMISSION.*—*A State that desires to*  
 25                               *receive an allotment under this section shall sub-*

1        *mit an application to the Secretary at such time,*  
2        *in such manner, and containing such informa-*  
3        *tion as the Secretary may require.*

4            *“(B) CONTENT.—An application submitted*  
5        *under subparagraph (A) shall include the fol-*  
6        *lowing:*

7            *“(i) A description of the State’s plan*  
8        *for using the allotted funds.*

9            *“(ii) Assurances that the State will*  
10       *provide matching funds, in cash or in kind,*  
11       *from State, institutional, philanthropic, or*  
12       *private funds, of not less than 33.33 percent*  
13       *of the cost of carrying out the activities*  
14       *under subsection (d). The State shall specify*  
15       *the methods by which matching funds will*  
16       *be paid and include provisions designed to*  
17       *ensure that funds provided under this sec-*  
18       *tion will be used to supplement, and not*  
19       *supplant, Federal and non-Federal funds*  
20       *available for carrying out the activities*  
21       *under this title. A State that uses non-Fed-*  
22       *eral funds to create or expand existing part-*  
23       *nerships with nonprofit organizations or*  
24       *community-based organizations in which*  
25       *such organizations match State funds for*

1           *student scholarships, may apply such*  
2           *matching funds from such organizations to-*  
3           *ward fulfilling the State's matching obliga-*  
4           *tion under this clause.*

5           “(iii) *Assurances that early informa-*  
6           *tion and intervention, mentoring, or out-*  
7           *reach programs exist within the State or*  
8           *that there is a plan to make such programs*  
9           *widely available.*

10          “(iv) *A description of the organiza-*  
11          *tional structure that the State has in place*  
12          *to administer the activities under subsection*  
13          *(d).*

14          “(v) *A description of the steps the*  
15          *State will take to ensure students who re-*  
16          *ceive grants under this section persist to de-*  
17          *gree completion.*

18          “(vi) *Assurances that the State has a*  
19          *method in place, such as acceptance of the*  
20          *automatic zero expected family contribution*  
21          *determination described in section 479(c),*  
22          *to identify eligible low-income students and*  
23          *award State grant aid to such students.*

24          “(vii) *Assurances that the State will*  
25          *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 submits*  
10          *an application under paragraph (1) for such State.*

11          “(3) *PARTNERSHIP.—In applying for an allot-*  
12          *ment under this section, the State agency shall apply*  
13          *for the allotment in partnership with—*

14                   “(A) *not less than one public and one pri-*  
15                   *vate degree-granting institution of higher edu-*  
16                   *cation that are located in the State;*

17                   “(B) *new or existing early information and*  
18                   *intervention, mentoring, or outreach programs*  
19                   *located in the State; and*

20                   “(C) *not less than one—*

21                           “(i) *philanthropic organization located*  
22                           *in, or that provides funding in, the State;*  
23                           *or*

24                           “(ii) *private corporation located in, or*  
25                           *that does business in, the State.*

1 “(4) *ROLES OF PARTNERS.*—

2 “(A) *STATE AGENCY.*—*A State agency that*  
3 *is in a partnership receiving an allotment under*  
4 *this section—*

5 “(i) *shall—*

6 “(I) *serve as the primary admin-*  
7 *istrative unit for the partnership;*

8 “(II) *provide or coordinate match-*  
9 *ing funds, and coordinate activities*  
10 *among partners;*

11 “(III) *encourage each institution*  
12 *of higher education in the State to par-*  
13 *ticipate in the partnership;*

14 “(IV) *make determinations and*  
15 *early notifications of assistance as de-*  
16 *scribed under subsection (d)(2); and*

17 “(V) *annually report to the Sec-*  
18 *retary on the partnership’s progress in*  
19 *meeting the purpose of this section;*  
20 *and*

21 “(ii) *may provide early information*  
22 *and intervention, mentoring, or outreach*  
23 *programs.*

24 “(B) *DEGREE-GRANTING INSTITUTIONS OF*  
25 *HIGHER EDUCATION.*—*A degree-granting institu-*

tion 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 allot-

ment 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.*—



1           “(I) *IN GENERAL.*—*In the case*  
2           *where a State receiving an allotment*  
3           *under this section is in a partnership*  
4           *described in subsection (b)(2)(B)(i), the*  
5           *amount of an access and persistence*  
6           *grant awarded by such State shall be*  
7           *not less than the amount that is equal*  
8           *to the average undergraduate tuition*  
9           *and mandatory fees at 4-year public*  
10           *institutions of higher education in the*  
11           *State where the student resides (less*  
12           *any other Federal or State sponsored*  
13           *grant amount, college work study*  
14           *amount, and scholarship amount re-*  
15           *ceived by the student) and such*  
16           *amount shall be used toward the cost of*  
17           *attendance at an institution of higher*  
18           *education, located in the State, that is*  
19           *a partner in the partnership.*

20           “(II) *COST OF ATTENDANCE.*—*A*  
21           *State that has a program, apart from*  
22           *the partnership under this section, of*  
23           *providing eligible low-income students*  
24           *with grants that are equal to the aver-*  
25           *age undergraduate tuition and manda-*

1            *tory fees at 4-year public institutions*  
2            *of higher education in the State, may*  
3            *increase the amount of access and per-*  
4            *sistence grants awarded by such State*  
5            *up to an amount that is equal to the*  
6            *average cost of attendance at 4-year*  
7            *public institutions of higher education*  
8            *in the State (less any other Federal or*  
9            *State sponsored grant amount, college*  
10           *work study amount, and scholarship*  
11           *amount received by the student).*

12           “(ii) *PARTNERSHIP WITH INSTITU-*  
13           *TIONS SERVING THE MAJORITY OF STU-*  
14           *DENTS IN THE STATE.—In the case where a*  
15           *State receiving an allotment under this sec-*  
16           *tion is in a partnership described in sub-*  
17           *section (b)(2)(B)(ii), the amount of an ac-*  
18           *cess and persistence grant awarded by such*  
19           *State shall be not less than the average cost*  
20           *of attendance at 4-year public institutions*  
21           *of higher education in the State where the*  
22           *student resides (less any other Federal or*  
23           *State sponsored grant amount, college work*  
24           *study amount, and scholarship amount re-*  
25           *ceived by the student) and such amount*

1           *shall be used by the student to attend an in-*  
2           *stitution of higher education, located in the*  
3           *State, that is a partner in the partnership.*

4           “(2) *EARLY NOTIFICATION.*—

5           “(A) *IN GENERAL.*—*Each State receiving*  
6           *an allotment under this section shall annually*  
7           *notify low-income students (such as students who*  
8           *are eligible to receive a free lunch under the*  
9           *school lunch program established under the Rich-*  
10          *ard B. Russell National School Lunch Act (42*  
11          *U.S.C. 1751 et seq.)) in grade 7 through grade*  
12          *12 in the State, and their families, of their po-*  
13          *tential eligibility for student financial assist-*  
14          *ance, including an access and persistence grant,*  
15          *to attend an institution of higher education.*

16          “(B) *CONTENT OF NOTICE.*—*The notifica-*  
17          *tion under subparagraph (A)—*

18               “(i) *shall include—*

19                   “(I) *information about early in-*  
20                   *formation and intervention, mentoring,*  
21                   *or outreach programs available to the*  
22                   *student;*

23                   “(II) *information that a student’s*  
24                   *candidacy for an access and persist-*  
25                   *ence grant is enhanced through partici-*

1            *pation in an early information and*  
2            *intervention, mentoring, or outreach*  
3            *program;*

4            *“(III) an explanation that student*  
5            *and family eligibility and participa-*  
6            *tion in other Federal means-tested pro-*  
7            *grams may indicate eligibility for an*  
8            *access and persistence grant and other*  
9            *student aid programs;*

10           *“(IV) a nonbinding estimation of*  
11           *the total amount of financial aid a*  
12           *low-income student with a similar in-*  
13           *come level may expect to receive, in-*  
14           *cluding an estimation of the amount of*  
15           *an access and persistence grant and an*  
16           *estimation of the amount of grants,*  
17           *loans, and all other available types of*  
18           *aid from the major Federal and State*  
19           *financial aid programs;*

20           *“(V) an explanation that in order*  
21           *to be eligible for an access and persist-*  
22           *ence grant, at a minimum, a student*  
23           *shall meet the requirement under para-*  
24           *graph (3), graduate from secondary*  
25           *school, and enroll at an institution of*

1 *higher education that is a partner in*  
2 *the partnership;*

3 “(VI) *information on any addi-*  
4 *tional requirements (such as a student*  
5 *pledge detailing student responsibil-*  
6 *ities) that the State may impose for re-*  
7 *ceipt of an access and persistence grant*  
8 *under this section; and*

9 “(VII) *instructions on how to*  
10 *apply for an access and persistence*  
11 *grant and an explanation that a stu-*  
12 *dent is required to file a Free Applica-*  
13 *tion for Federal Student Aid author-*  
14 *ized under section 483(a) to be eligible*  
15 *for such grant and assistance from*  
16 *other Federal and State financial aid*  
17 *programs; and*

18 “(ii) *may include a disclaimer that ac-*  
19 *cess and persistence grant awards are con-*  
20 *tingent upon—*

21 “(I) *a determination of the stu-*  
22 *dent’s financial eligibility at the time*  
23 *of the student’s enrollment at an insti-*  
24 *tution of higher education that is a*  
25 *partner in the partnership;*

1                   “(II) *annual Federal and State*  
2                   *appropriations; and*

3                   “(III) *other aid received by the*  
4                   *student at the time of the student’s en-*  
5                   *rollment at an institution of higher*  
6                   *education that is a partner in the*  
7                   *partnership.*

8                   “(3) *ELIGIBILITY.—In determining which stu-*  
9                   *dents are eligible to receive access and persistence*  
10                  *grants, the State shall ensure that each such student*  
11                  *complies with the following subparagraph (A) or (B):*

12                  “(A) *Meets not less than 2 of the following*  
13                  *criteria, with priority given to students meeting*  
14                  *all of the following criteria:*

15                  “(i) *Has an expected family contribu-*  
16                  *tion equal to zero (as described in section*  
17                  *479) or a comparable alternative based*  
18                  *upon the State’s approved criteria in sec-*  
19                  *tion 415C(b)(4).*

20                  “(ii) *Has qualified for a free lunch, or*  
21                  *at the State’s discretion a reduced price*  
22                  *lunch, under the school lunch program es-*  
23                  *tablished under the Richard B. Russell Na-*  
24                  *tional School Lunch Act.*

1           “(iii) *Qualifies for the State’s max-*  
2           *imum undergraduate award, as authorized*  
3           *under section 415C(b).*

4           “(iv) *Is participating in, or has par-*  
5           *ticipated in, a Federal, State, institutional,*  
6           *or community early information and inter-*  
7           *vention, mentoring, or outreach program, as*  
8           *recognized by the State agency admin-*  
9           *istering activities under this section.*

10          “(B) *Is receiving, or has received, an access*  
11          *and persistence grant under this section, in ac-*  
12          *cordance with paragraph (5).*

13          “(4) *GRANT AWARD.—Once a student, including*  
14          *a student who has received early notification under*  
15          *paragraph (2) from the State, applies for admission*  
16          *to an institution that is a partner in the partnership,*  
17          *files a Free Application for Federal Student Aid and*  
18          *any related State form, and is determined to be eligi-*  
19          *ble by the State under paragraph (3), the State*  
20          *shall—*

21               “(A) *issue the student a preliminary access*  
22               *and persistence grant award certificate with ten-*  
23               *tative award amounts; and*

24               “(B) *inform the student that payment of the*  
25               *access and persistence grant award amounts is*

1           *subject to certification of enrollment and award*  
2           *eligibility by the institution of higher education.*

3           “(5) *DURATION OF AWARD.—An eligible student*  
4           *that receives an access and persistence grant under*  
5           *this section shall receive such grant award for each*  
6           *year of such student’s undergraduate education in*  
7           *which the student remains eligible for assistance*  
8           *under this title, including pursuant to section 484(c),*  
9           *and remains financially eligible as determined by the*  
10          *State, except that the State may impose reasonable*  
11          *time limits to baccalaureate degree completion.*

12          “(e) *ADMINISTRATIVE COST ALLOWANCE.—A State*  
13          *that receives an allotment under this section may reserve*  
14          *not more than 3.5 percent of the funds made available an-*  
15          *nually through the allotment for State administrative func-*  
16          *tions required to carry out this section.*

17          “(f) *STATUTORY AND REGULATORY RELIEF FOR INSTI-*  
18          *TUTIONS OF HIGHER EDUCATION.—The Secretary may*  
19          *grant, upon the request of an institution of higher education*  
20          *that is in a partnership described in subsection*  
21          *(b)(2)(B)(ii) and that receives an allotment under this sec-*  
22          *tion, a waiver for such institution from statutory or regu-*  
23          *latory requirements that inhibit the ability of the institu-*  
24          *tion to successfully and efficiently participate in the activi-*  
25          *ties of the partnership.*



1       “(g) *APPLICABILITY RULE.*—*The provisions of this*  
2 *subpart which are not inconsistent with this section shall*  
3 *apply to the program authorized by this section.*

4       “(h) *MAINTENANCE OF EFFORT REQUIREMENT.*—  
5 *Each State receiving an allotment under this section for*  
6 *a fiscal year shall provide the Secretary an assurance that*  
7 *the aggregate amount expended per student or the aggregate*  
8 *expenditures by the State, from funds derived from non-*  
9 *Federal sources, for the authorized activities described in*  
10 *subsection (d) for the preceding fiscal year were not less*  
11 *than the amount expended per student or the aggregate ex-*  
12 *penditure by the State for such activities for the second pre-*  
13 *ceding fiscal year.*

14       “(i) *SPECIAL RULE.*—*Notwithstanding subsection (h),*  
15 *for purposes of determining a State’s share of the cost of*  
16 *the authorized activities described in subsection (d), the*  
17 *State shall consider only those expenditures from non-Fed-*  
18 *eral sources that exceed its total expenditures for need-based*  
19 *grants, scholarships, and work-study assistance for fiscal*  
20 *year 1999 (including any such assistance provided under*  
21 *this subpart).*

22       “(j) *REPORTS.*—*Not later than 3 years after the date*  
23 *of enactment of the College Opportunity and Affordability*  
24 *Act of 2007, and annually thereafter, the Secretary shall*  
25 *submit a report describing the activities and the impact of*

1 *the partnerships under this section to the authorizing com-*  
2 *mittees.”.*

3       (d) *CONTINUATION AND TRANSITION.*—*During the 2-*  
4 *year period commencing on the date of enactment of this*  
5 *Act, the Secretary shall continue to award grants under sec-*  
6 *tion 415E of the Higher Education Act of 1965 (20 U.S.C.*  
7 *1070c–3a), as such section existed on the day before the date*  
8 *of enactment of this Act, to States that choose to apply for*  
9 *grants under such predecessor section.*

10       (e) *IMPLEMENTATION AND EVALUATION.*—*Section*  
11 *491(j) (20 U.S.C. 1098(j)) is amended—*

12               (1) *in paragraph (4), by striking “and” after the*  
13 *semicolon;*

14               (2) *by redesignating paragraph (5) as para-*  
15 *graph (6); and*

16               (3) *by inserting after paragraph (4) the fol-*  
17 *lowing:*

18               “(5) *not later than 6 months after the date of en-*  
19 *actment of the College Opportunity and Affordability*  
20 *Act of 2007, advise the Secretary on means to imple-*  
21 *ment the activities under section 415E, and the Advi-*  
22 *sory Committee shall continue to monitor, evaluate,*  
23 *and make recommendations on the progress of part-*  
24 *nerships that receive allotments under such section;*  
25 *and”.*

1 **SEC. 407. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMI-**  
 2 **LIES ARE ENGAGED IN MIGRANT AND SEA-**  
 3 **SONAL FARMWORK.**

4 *Section 418A (20 U.S.C. 1070d-2) is amended—*

5 *(1) in subsection (b)—*

6 *(A) in paragraph (1)(B)(i), by striking*  
 7 *“parents” and inserting “immediate family”;*

8 *(B) in paragraph (3)(B), by inserting “(in-*  
 9 *cluding preparation for college entrance exami-*  
 10 *nations)” after “college program”;*

11 *(C) in paragraph (5), by striking “weekly”;*

12 *(D) in paragraph (7), by striking “and”*  
 13 *after the semicolon;*

14 *(E) in paragraph (8)—*

15 *(i) by inserting “(such as transpor-*  
 16 *tation and child care)” after “services”; and*

17 *(ii) by striking the period at the end*  
 18 *and inserting “; and”; and*

19 *(F) by adding at the end the following:*

20 *“(9) other activities to improve persistence and*  
 21 *retention in postsecondary education.”;*

22 *(2) in subsection (c)—*

23 *(A) in paragraph (1)—*

24 *(i) in subparagraph (A), by striking*  
 25 *“parents” and inserting “immediate fam-*  
 26 *ily”; and*

1                   (ii) in subparagraph (B)—

2                         (I) in the matter preceding clause  
3                   (i), by inserting “to improve place-  
4                   ment, persistence, and retention in  
5                   postsecondary education,” after “serv-  
6                   ices”; and

7                         (II) in clause (i), by striking  
8                   “and career” and inserting “career,  
9                   and economic education or personal fi-  
10                  nance”;

11                   (iii) in subparagraph (E), by striking  
12                  “and” after the semicolon;

13                   (iv) by redesignating subparagraph (F)  
14                  as subparagraph (G);

15                   (v) by inserting after subparagraph  
16                  (E) the following:

17                  “(F) internships; and”; and

18                   (vi) in subparagraph (G) (as redesign-  
19                  ated by clause (iv)), by striking “support  
20                  services” and inserting “essential supportive  
21                  services (such as transportation and child  
22                  care)”; and

23                  (B) in paragraph (2)—

24                   (i) in subparagraph (A), by striking  
25                  “and” after the semicolon;

1                   (ii) in subparagraph (B), by striking  
2                   the period at the end and inserting “, and  
3                   coordinating such services, assistance, and  
4                   aid with other non-program services, assist-  
5                   ance, and aid, including services, assist-  
6                   ance, and aid provided by community-based  
7                   organizations, which may include men-  
8                   toring and guidance; and”;

9                   (iii) by adding at the end the fol-  
10                  lowing:

11               “(C) for students attending 2-year institutions of  
12               higher education, encouraging the students to transfer  
13               to 4-year institutions of higher education, where ap-  
14               propriate, and monitoring the rate of transfer of such  
15               students.”;

16               (3) in subsection (e), by striking “section  
17               402A(c)(1)” and inserting “section 402A(c)(2)”;

18               (4) in subsection (f)—

19                   (A) in paragraph (1), by striking  
20                   “\$150,000” and inserting “\$180,000”; and

21                   (B) in paragraph (2), by striking  
22                   “\$150,000” and inserting “\$180,000”;

23               (5) by redesignating subsections (g) and (h) as  
24               subsections (h) and (i), respectively;

25               (6) by inserting after subsection (f) the following:

1       “(g) *RESERVATION OF FUNDS.*—*From the amounts*  
 2 *made available under subsection (i), the Secretary may re-*  
 3 *serve not more than a total of 1/2 of 1 percent for outreach*  
 4 *activities, technical assistance, and professional develop-*  
 5 *ment programs relating to the programs under subsection*  
 6 *(a).”;*

7               (7) *by striking subsection (h) (as redesignated by*  
 8 *paragraph (5)) and inserting the following:*

9       “(h) *DATA COLLECTION.*—*The Commissioner for Edu-*  
 10 *cation Statistics shall—*

11               “(1) *annually collect data on persons receiving*  
 12 *services authorized under this subpart regarding such*  
 13 *persons rates of secondary school graduation, entrance*  
 14 *into postsecondary education, and completion of post-*  
 15 *secondary education;*

16               “(2) *not less often than once every 2 years, pre-*  
 17 *pare and submit to the authorizing committees a re-*  
 18 *port based on the most recently available data under*  
 19 *paragraph (1) to the authorizing committees; and*

20               “(3) *make such report available to the public.”;*  
 21 *and*

22               (8) *in subsection (i) (as redesignated by para-*  
 23 *graph (5))—*

24               (A) *in paragraph (1), by striking*  
 25 *“\$15,000,000 for fiscal year 1999” and all that*

1 follows through the period and inserting “such  
 2 sums as may be necessary for fiscal year 2009  
 3 and each of the 4 succeeding fiscal years.”; and  
 4 (B) in paragraph (2), by striking  
 5 “\$5,000,000 for fiscal year 1999” and all that  
 6 follows through the period and inserting “such  
 7 sums for fiscal year 2009 and each of the 4 suc-  
 8 ceeding fiscal years.”.

9 **SEC. 408. ROBERT C. BYRD HONORS SCHOLARSHIP PRO-**  
 10 **GRAM.**

11 Subpart 6 of part A of title IV is amended to read  
 12 as follows:

13 **“Subpart 6—Robert C. Byrd American**  
 14 **Competitiveness Program**

15 **“SEC. 419A. ROBERT C. BYRD MATHEMATICS AND SCIENCE**  
 16 **HONORS SCHOLARSHIP PROGRAM.**

17 “(a) *PURPOSE.*—The purpose of this section is to  
 18 award scholarships to students who are enrolled in studies  
 19 leading to baccalaureate and advanced degrees in physical,  
 20 life, or computer sciences, mathematics, or engineering.

21 “(b) *DEFINITIONS.*—As used in this section—

22 “(1) the term ‘computer science’ means the  
 23 branch of knowledge or study of computers, including  
 24 such fields of knowledge or study as computer hard-

ware, 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;



1           “(4) the term ‘life sciences’ means the branch of  
2           knowledge or study of living things, including such  
3           fields of knowledge or study as biology, biochemistry,  
4           biophysics, microbiology, genetics, physiology, botany,  
5           zoology, ecology, and behavioral biology, except that  
6           the term does not encompass social psychology or the  
7           health professions;

8           “(5) the term ‘managing agent’ means an entity  
9           to which an award is made under subsection (c) to  
10          manage a program of Mathematics and Science Hon-  
11          ors Scholarships;

12          “(6) the term ‘mathematics’ means the branch of  
13          knowledge or study of numbers and the systematic  
14          treatment of magnitude, relationships between figures  
15          and forms, and relations between quantities expressed  
16          symbolically, including such fields of knowledge or  
17          study as statistics, applied mathematics, and oper-  
18          ations research; and

19          “(7) the term ‘physical sciences’ means the  
20          branch of knowledge or study of the material universe,  
21          including such fields of knowledge or study as astron-  
22          omy, atmospheric sciences, chemistry, earth sciences,  
23          ocean sciences, physics, and planetary sciences.

24          “(c) AWARD.—

1           “(1)(A) *From funds appropriated under section*  
2           *419F to carry out this section, the Secretary is au-*  
3           *thorized, through a grant or cooperative agreement, to*  
4           *make an award to a private, non-profit organization,*  
5           *other than an institution of higher education or sys-*  
6           *tem of institutions of higher education, to manage,*  
7           *through a public and private partnership, a program*  
8           *of Mathematics and Science Honors Scholarships*  
9           *under this section.*

10           “(B) *The award under subparagraph (A) shall*  
11           *be for a five-year period.*

12           “(2)(A) *One hundred percent of the funds award-*  
13           *ed under paragraph (1)(A) for any fiscal year shall*  
14           *be obligated and expended solely on scholarships to el-*  
15           *igible students.*

16           “(B) *No Federal funds shall be used to provide*  
17           *more than 50 percent of the cost of any scholarship*  
18           *to an eligible student.*

19           “(C) *The maximum scholarship award shall be*  
20           *the difference between an eligible student’s cost of at-*  
21           *tendance minus any non-loan based aid such student*  
22           *receives.*

23           “(3)(A) *The Secretary may establish—*

1           “(i) *eligibility criteria for applicants for*  
2           *managing agent, including criteria regarding fi-*  
3           *nancial and administrative capability; and*

4           “(ii) *operational standards for the man-*  
5           *aging agent, including management and per-*  
6           *formance requirements, such as audit, record-*  
7           *keeping, record retention, and reporting proce-*  
8           *dures and requirements.*

9           “(B) *The Secretary, as necessary, may review*  
10          *and revise any criteria, standards, and rules estab-*  
11          *lished under this paragraph and, through the agree-*  
12          *ment with the managing agent, see that any revisions*  
13          *are implemented.*

14          “(4) *If the managing agent fails to meet the re-*  
15          *quirements of this section the Secretary may termi-*  
16          *nate the award to the managing agent.*

17          “(5) *The Secretary shall conduct outreach efforts*  
18          *to help raise awareness of the Mathematics and*  
19          *Science Honors Scholarships.*

20          “(d) *DUTIES OF THE MANAGING AGENT.—The man-*  
21          *aging agent shall—*

22                 “(1) *develop criteria to award Mathematics and*  
23                 *Science Honors Scholarships based on established*  
24                 *measurements available to secondary students who*

1 *wish to pursue degrees in physical, life, or computer*  
2 *sciences, mathematics, or engineering;*

3 *“(2) establish a Mathematics and Science Hon-*  
4 *ors Scholarship Fund in a separate, named account*  
5 *that clearly discloses the amount of Federal and non-*  
6 *Federal funds deposited in the account and used for*  
7 *scholarships under this section;*

8 *“(3) solicit funds for scholarships and for the ad-*  
9 *ministration of the program from non-Federal*  
10 *sources;*

11 *“(4) solicit applicants for scholarships;*

12 *“(5) from the amounts in the Fund, award schol-*  
13 *arships to eligible students and transfer such funds to*  
14 *the institutions of higher education that they attend;*

15 *“(6) annually submit to the Secretary a finan-*  
16 *cial audit and a report on the progress of the pro-*  
17 *gram, and such other documents as the Secretary may*  
18 *require to determine the effective management of the*  
19 *program; and*

20 *“(7) shall not develop a criteria that discrimi-*  
21 *nates against a student based on the type of program*  
22 *in which the student completed his or her secondary*  
23 *education.*

24 *“(e) APPLICATIONS.—*

1           “(1) *Any eligible entity that desires to be the*  
2           *managing agent under this section shall submit an*  
3           *application to the Secretary, in such form and con-*  
4           *taining such information, as the Secretary may re-*  
5           *quire.*

6           “(2) *Each application shall include a descrip-*  
7           *tion of—*

8                   “(A) *how the applicant meets or will meet*  
9                   *requirements established under subsections*  
10                  *(c)(3)(A) and (d);*

11                  “(B) *how the applicant will solicit funds for*  
12                  *scholarships and for the administration of the*  
13                  *program from non-Federal sources;*

14                  “(C) *how the applicant will provide nation-*  
15                  *wide outreach to inform students about the pro-*  
16                  *gram and to encourage students to pursue de-*  
17                  *grees in physical, life, or computer sciences,*  
18                  *mathematics, or engineering;*

19                  “(D) *how the applicant will solicit applica-*  
20                  *tions for scholarships, including how the appli-*  
21                  *cant will balance efforts in urban and rural*  
22                  *areas;*

23                  “(E) *the selection criteria based on estab-*  
24                  *lished measurements available to secondary stu-*

1        *dents the applicant will use to award scholar-*  
2        *ships and to renew those awards;*

3                *“(F) how the applicant will inform the in-*  
4        *stitution of higher education chosen by the re-*  
5        *cipient of the name and scholarship amount of*  
6        *the recipient;*

7                *“(G) what procedures and assurances the*  
8        *applicant and the institution of higher education*  
9        *that the recipient attends will use to verify stu-*  
10       *dent eligibility, attendance, degree progress, and*  
11       *academic performance and to deliver and ac-*  
12       *count for payments to such institution;*

13               *“(H) the management (including audit and*  
14       *accounting) procedures the applicant will use for*  
15       *the program;*

16               *“(I) the human, financial, and other re-*  
17       *sources that the applicant will need and use to*  
18       *manage the program;*

19               *“(J) how the applicant will evaluate the*  
20       *program and report to the Secretary annually;*  
21       *and*

22               *“(K) a description of how the entity will co-*  
23       *ordinate with, complement, and build on similar*  
24       *public and private mathematics and science pro-*  
25       *grams.*

1       “(f) *SCHOLARSHIP RECIPIENTS.*—

2               “(1) *A student receiving a scholarship under this*  
3       *section shall be known as a Byrd Mathematics and*  
4       *Science Honors Scholar.*

5               “(2) *Any student desiring to receive a scholar-*  
6       *ship under this section shall submit an application to*  
7       *the managing agent in such form, and containing*  
8       *such information, as the managing agent may re-*  
9       *quire.*

10              “(3) *Any student that receives a scholarship*  
11       *under this section shall enter into an agreement with*  
12       *the managing agent to complete 5 consecutive years*  
13       *of service to begin no later than 12 months following*  
14       *completion of the final degree in a position related to*  
15       *the field in which the student obtained the degree.*

16              “(4) *If any student that receives a scholarship*  
17       *under this section fails to earn at least a bacca-*  
18       *laureate degree in physical, life, or computer sciences,*  
19       *mathematics, or engineering as defined under this sec-*  
20       *tion, the student shall repay to the managing agent*  
21       *the amount of any financial assistance paid to such*  
22       *student.*

23              “(5) *If any student that receives a scholarship*  
24       *under this section fails to meet the requirements of*  
25       *paragraph (3), the student shall repay to the man-*

1       aging agent the amount of any financial assistance  
2       paid to such student.

3               “(6)(A) Scholarships shall be awarded for only  
4       one academic year of study at a time.

5               “(B)(i) A scholarship shall be renewable on an  
6       annual basis for the established length of the academic  
7       program if the student awarded the scholarship re-  
8       mains eligible.

9               “(ii) The managing agent may condition re-  
10      newal of a scholarship on measures of academic  
11      progress and achievement, with the approval of the  
12      Secretary.

13              “(C)(i) If a student fails to either remain eligible  
14      or meet established measures of academic progress  
15      and achievement, the managing agent shall instruct  
16      the student’s institution of higher education to sus-  
17      pend payment of the student’s scholarship.

18              “(ii) A suspension of payment shall remain in  
19      effect until the student is able to demonstrate to the  
20      satisfaction of the managing agent that he or she is  
21      again eligible and meets the established measures of  
22      academic progress and achievement.

23              “(iii) A student’s eligibility for a scholarship  
24      shall be terminated if a suspension period exceeds 12  
25      months.



1           “(D)(i)(I) *A student awarded a scholarship may,*  
2           *in a manner and under the terms established by, and*  
3           *with the approval of, the managing agent, postpone*  
4           *or interrupt his or her enrollment at an institution*  
5           *of higher education for up to 12 months.*

6           “(II) *Such a postponement or interruption shall*  
7           *not be considered a suspension for purposes of sub-*  
8           *paragraph (C).*

9           “(ii) *Neither a student nor the student’s institu-*  
10          *tion of higher education shall receive the student’s*  
11          *scholarship payments during the period of postpone-*  
12          *ment or interruption, but such payments shall resume*  
13          *upon enrollment or reenrollment.*

14          “(iii) *In exceptional circumstances, such as seri-*  
15          *ous injury or illness or the necessity to care for fam-*  
16          *ily members, the student’s postponement or interrup-*  
17          *tion may, upon notification and approval of the*  
18          *managing agent, be extended beyond the 12 month pe-*  
19          *riod described in clause (i)(I).*

20          “(g) *RESPONSIBILITIES OF INSTITUTION OF HIGHER*  
21          *EDUCATION.—*

22          “(1) *The managing agent shall require any in-*  
23          *stitution of higher education that enrolls a student*  
24          *who receives a scholarship under this section to annu-*

1       ally provide an assurance, prior to making any pay-  
2       ment, that the student—

3               “(A) is eligible in accordance with sub-  
4       section (b)(2); and

5               “(B) has provided the institution with a  
6       written commitment to attend, or is attending,  
7       classes and is satisfactorily meeting the institu-  
8       tion’s academic criteria for enrollment in its  
9       program of study.

10              “(2)(A) The managing agent shall provide the  
11      institution of higher education with payments from  
12      the Fund for selected recipients in at least two install-  
13      ments.

14              “(B) If a recipient declines a scholarship, does  
15      not attend courses, transfers to another institution of  
16      higher education, or becomes ineligible for a scholar-  
17      ship, an institution of higher education shall return  
18      prorated amounts of any scholarship payment to that  
19      recipient to the managing agent, who shall deposit it  
20      in to the Fund.

21   **“SEC. 419B. MATHEMATICS AND SCIENCE INCENTIVE PRO-**  
22       **GRAM.**

23              “(a) PROGRAM.—

24              “(1) IN GENERAL.—The Secretary is authorized  
25      to carry out a program of assuming the obligation to

1        *pay, pursuant to the provisions of this section, the in-*  
2        *terest on a loan made, insured, or guaranteed under*  
3        *part B or D of this title.*

4                *“(2) ELIGIBILITY.—The Secretary may assume*  
5        *interest payments under paragraph (1) only for a*  
6        *borrower who—*

7                *“(A) has submitted an application in com-*  
8        *pliance with subsection (d);*

9                *“(B) obtained one or more loans described*  
10       *in paragraph (1) as an undergraduate student;*

11               *“(C) is a new borrower (within the meaning*  
12       *of section 103(7) of this Act) on or after the date*  
13       *of enactment of the College Opportunity and Af-*  
14       *fordability Act of 2007;*

15               *“(D) is a highly qualified teacher (as de-*  
16       *finied in section 9101 of the Elementary and Sec-*  
17       *ondary Education Act of 1965) of science, tech-*  
18       *nology, engineering or mathematics at an ele-*  
19       *mentary or secondary school in a high need local*  
20       *educational agency, or is a mathematics, science,*  
21       *or engineering professional; and*

22               *“(E) enters into an agreement with the Sec-*  
23       *retary to complete 5 consecutive years of service*  
24       *in a position described in subparagraph (D),*  
25       *starting on the date of the agreement.*

1           “(3) *PRIOR INTEREST LIMITATIONS.*—*The Sec-*  
2           *retary shall not make any payments for interest*  
3           *that—*

4                     “(A) *accrues prior to the beginning of the*  
5                     *repayment period on a loan in the case of a loan*  
6                     *made under section 428H or a Federal Direct*  
7                     *Unsubsidized Stafford Loan; or*

8                     “(B) *has accrued prior to the signing of an*  
9                     *agreement under paragraph (2)(E).*

10           “(4) *INITIAL SELECTION.*—*In selecting partici-*  
11           *pants for the program under this section, the Sec-*  
12           *retary—*

13                     “(A) *shall choose among eligible applicants*  
14                     *on the basis of—*

15                             “(i) *the national security, homeland se-*  
16                             *curity, and economic security needs of the*  
17                             *United States, as determined by the Sec-*  
18                             *retary, in consultation with other Federal*  
19                             *agencies, including the Departments of*  
20                             *Labor, Defense, Homeland Security, Com-*  
21                             *merce, and Energy, the Central Intelligence*  
22                             *Agency, and the National Science Founda-*  
23                             *tion; and*

24                             “(ii) *the academic record or job per-*  
25                             *formance of the applicant; and*

1           “(B) may choose among eligible applicants  
2           on the basis of—

3                   “(i) the likelihood of the applicant to  
4                   complete the 5-year service obligation;

5                   “(ii) the likelihood of the applicant to  
6                   remain in science, mathematics, or engi-  
7                   neering after the completion of the service  
8                   requirement; or

9                   “(iii) other relevant criteria deter-  
10                  mined by the Secretary.

11           “(5) AVAILABILITY SUBJECT TO APPROPRIA-  
12           TIONS.—Loan interest payments under this section  
13           shall be subject to the availability of appropriations.  
14           If the amount appropriated for any fiscal year is not  
15           sufficient to provide interest payments on behalf of all  
16           qualified applicants, the Secretary shall give priority  
17           to those individuals on whose behalf interest payments  
18           were made during the preceding fiscal year.

19           “(6) REGULATIONS.—The Secretary is author-  
20           ized to prescribe such regulations as may be necessary  
21           to carry out the provisions of this section.

22           “(b) DURATION AND AMOUNT OF INTEREST PAY-  
23           MENTS.—The period during which the Secretary shall pay  
24           interest on behalf of a student borrower who is selected  
25           under subsection (a) is the period that begins on the effective

1 *date of the agreement under subsection (a)(2)(E), continues*  
2 *after successful completion of the service obligation, and*  
3 *ends on the earlier of—*

4           “(1) *the completion of the repayment period of*  
5 *the loan;*

6           “(2) *payment by the Secretary of a total of*  
7 *\$5,000 on behalf of the borrower;*

8           “(3) *if the borrower ceases to fulfill the service*  
9 *obligation under such agreement prior to the end of*  
10 *the 5-year period, as soon as the borrower is deter-*  
11 *mined to have ceased to fulfill such obligation in ac-*  
12 *cordance with regulations of the Secretary; or*

13           “(4) *6 months after the end of any calendar year*  
14 *in which the borrower’s gross income equals or exceeds*  
15 *4 times the national per capita disposable personal*  
16 *income (current dollars) for such calendar year, as*  
17 *determined on the basis of the National Income and*  
18 *Product Accounts Tables of the Bureau of Economic*  
19 *Analysis of the Department of Commerce, as deter-*  
20 *mined in accordance with regulations prescribed by*  
21 *the Secretary.*

22           “(c) *REPAYMENT TO ELIGIBLE LENDERS.—Subject to*  
23 *the regulations prescribed by the Secretary by regulation*  
24 *under subsection (a)(6), the Secretary shall pay to each eli-*  
25 *gible lender or holder for each payment period the amount*

1 *of the interest that accrues on a loan of a student borrower*  
2 *who is selected under subsection (a).*

3 “(d) *APPLICATION FOR REPAYMENT.*—

4 “(1) *IN GENERAL.*—*Each eligible individual de-*  
5 *siring loan interest payment under this section shall*  
6 *submit a complete and accurate application to the*  
7 *Secretary at such time, in such manner, and con-*  
8 *taining such information as the Secretary may re-*  
9 *quire.*

10 “(2) *FAILURE TO COMPLETE SERVICE AGREE-*  
11 *MENT.*—*Such application shall contain an agreement*  
12 *by the individual that, if the individual fails to com-*  
13 *plete the 5 consecutive years of service required by*  
14 *subsection (a)(2)(E), the individual agrees to repay*  
15 *the Secretary the amount of any interest paid by the*  
16 *Secretary on behalf of the individual.*

17 “(e) *TREATMENT OF CONSOLIDATION LOANS.*—*A con-*  
18 *solidation loan made under section 428C of this Act, or a*  
19 *Federal Direct Consolidation Loan made under part D of*  
20 *title IV of this Act, may be a qualified loan for the purpose*  
21 *of this section only to the extent that such loan amount was*  
22 *used by a borrower who otherwise meets the requirements*  
23 *of this section to repay—*

24 “(1) *a loan made under section 428 or 428H of*  
25 *this Act; or*

1           “(2) a *Federal Direct Stafford Loan*, or a *Fed-*  
 2           *eral Direct Unsubsidized Stafford Loan*, made under  
 3           *part D of title IV of this Act.*

4           “(f) *PREVENTION OF DOUBLE BENEFITS.*—No bor-  
 5           *rower may, for the same service, receive a benefit under both*  
 6           *this section and—*

7           “(1) *any loan forgiveness program under title IV*  
 8           *of this Act; or*

9           “(2) *subtitle D of title I of the National and*  
 10           *Community Service Act of 1990 (42 U.S.C. 12601 et*  
 11           *seq.).*

12           “(g) *DEFINITIONS.*—*As used in this section—*

13           “(1) *the term ‘high need local educational agen-*  
 14           *cy’ has the same meaning given such term in section*  
 15           *200; and*

16           “(2) *the term ‘mathematics, science, or engineer-*  
 17           *ing professional’ means a person who—*

18           “(A) *holds a baccalaureate, masters, or doc-*  
 19           *toral degree (or a combination thereof) in*  
 20           *science, mathematics, or engineering; and*

21           “(B) *works in a field the Secretary deter-*  
 22           *mines is closely related to that degree, which*  
 23           *shall include working as a professor at a two- or*  
 24           *four-year institution of higher education.*



1   **“SEC. 419C. FOREIGN LANGUAGE PARTNERSHIPS.**

2           “(a) *PURPOSE.*—*The purpose of this section is to in-*  
3 *crease the number of highly qualified teachers in, and the*  
4 *number of United States’ students who achieve the highest*  
5 *level of proficiency in, foreign languages critical to the secu-*  
6 *rity and competitiveness of the Nation.*

7           “(b) *PROGRAM AUTHORIZED.*—*The Secretary is au-*  
8 *thorized to award grants to institutions of higher education,*  
9 *in partnership with one or more local educational agencies,*  
10 *to establish teacher preparation programs in critical foreign*  
11 *languages, and activities that will enable successful students*  
12 *to advance from elementary school through college to achieve*  
13 *proficiency in those languages.*

14           “(c) *APPLICATIONS.*—

15               “(1) *APPLICATION REQUIRED.*—*Any institution*  
16 *of higher education that desires to receive a grant*  
17 *under this section shall submit an application to the*  
18 *Secretary at such time, in such manner, and con-*  
19 *taining such information as the Secretary may re-*  
20 *quire.*

21               “(2) *CONTENTS.*—*Each Application shall—*

22                   “(A) *identify each local educational agency*  
23 *partner and describe each such partner’s respon-*  
24 *sibilities (including how they will be involved in*  
25 *planning and implementing the program, what*  
26 *resources they will provide, and how they will*

1           *ensure continuity of student progress from ele-*  
2           *mentary school to the postsecondary level); and*

3           “(B) *describe how the applicant will sup-*  
4           *port and continue the program after the grant*  
5           *has expired, including how it will seek support*  
6           *from other sources, such as State and local gov-*  
7           *ernment, foundations, and the private sector.*

8           “(d) *USES OF FUNDS.—Funds awarded under this sec-*  
9           *tion shall be used to develop and implement programs con-*  
10          *sistent with the purpose of this section by carrying out one*  
11          *or more of the following activities:*

12           “(1) *To recruit highly qualified teachers in crit-*  
13          *ical foreign languages and professional development*  
14          *activities for such teachers at the elementary through*  
15          *high school level.*

16           “(2) *To provide innovative opportunities for stu-*  
17          *dents that will allow for critical language learning,*  
18          *such as immersion environments, intensive study op-*  
19          *portunities, internships, and distance learning.*

20           “(e) *MATCHING REQUIREMENT.—Each grantee under*  
21          *this section shall provide, from non-Federal sources, an*  
22          *amount equal to 100 percent of the amount of the grant*  
23          *(in cash or in kind) to carry out the activities supported*  
24          *by the grant.*

1       “(f) *EVALUATION.*—*The Secretary shall evaluate the*  
 2 *activities funded under this section and report the results*  
 3 *of the evaluation to the appropriate Committees of Congress.*

4       **“SEC. 419D. AUTHORIZATION OF APPROPRIATIONS.**

5       *“There are authorized to be appropriated to carry out*  
 6 *this subpart \$50,000,000 for fiscal year 2009 and such sums*  
 7 *as may be necessary for each of the 4 succeeding fiscal*  
 8 *years.”.*

9       **SEC. 409. CHILD CARE ACCESS MEANS PARENTS IN**  
 10               **SCHOOL.**

11       (a) *MINIMUM GRANT.*—*Section 419N(b)(2)(B) (20*  
 12 *U.S.C. 1070e(b)(2)(B)) is amended by striking “\$10,000”*  
 13 *and inserting “\$30,000”.*

14       (b) *ELIGIBLE INSTITUTIONS.*—*Section 419N(b)(4) is*  
 15 *amended by striking “\$350,000” and inserting “\$250,000”.*

16       (c) *INCOME ELIGIBILITY.*—*Section 419N(b)(7) is*  
 17 *amended by striking “who is eligible to receive” and insert-*  
 18 *ing “whose income qualifies for eligibility for”.*

19       (d) *PUBLICITY.*—*Section 419N(b) is further amended*  
 20 *by adding at the end the following new paragraph:*

21               “(8) *PUBLICITY.*—*The Secretary shall publicize*  
 22 *the availability of grants under this section in appro-*  
 23 *priate periodicals in addition to publication in the*  
 24 *Federal Register, and shall inform appropriate edu-*  
 25 *cational organizations of such availability.”.*

1       (e) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
 2 419N(g) (20 U.S.C. 1070e(g)) is amended by striking  
 3 “\$45,000,000 for fiscal year 1999” and all that follows  
 4 through the period and inserting “such sums as may be nec-  
 5 essary for fiscal year 2009 and each of the 4 succeeding  
 6 fiscal years.”.

7 **SEC. 410. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.**

8       Subpart 8 of part A of title IV (20 U.S.C. 1070f et  
 9 seq.) is repealed.

10 **SEC. 411. TEACH GRANTS.**

11       Subpart 9 of part A of title IV is amended—

12               (1) in section 420L(1)(B), by striking “sound”  
 13 and inserting “responsible”;

14               (2) in section 420M—

15                       (A) by striking “academic year” each place  
 16 it appears in subsections (a)(1) and (c)(1) and  
 17 inserting “year”; and

18                       (B) in subsection (c)(2)—

19                               (i) by striking “other student assist-  
 20 ance” and inserting “other assistance the  
 21 student may receive”; and

22                               (ii) by striking the second sentence;  
 23 and

24               (3) by adding at the end the following new sec-  
 25 tion:

1 **“SEC. 420P. PROGRAM EVALUATION.**

2       *“The Secretary shall evaluate the effectiveness of*  
 3 *TEACH grants with respect to the schools and students*  
 4 *served by recipients of such grants. Such evaluation shall*  
 5 *take into consideration information related to—*

6               *“(1) the number of TEACH grant recipients;*

7               *“(2) the gender, race, ethnicity, and age of such*  
 8 *recipients;*

9               *“(3) the degrees obtained by such recipients;*

10              *“(4) the location, including the school, local edu-*  
 11 *cational agency, and State, where the recipients com-*  
 12 *pleted the service agreed to under section 420N(b) and*  
 13 *the subject taught;*

14              *“(5) the duration of such service, including in-*  
 15 *formation related to whether recipients serve for more*  
 16 *than the 4 years required under such section; and*

17              *“(6) any other data necessary to conduct such*  
 18 *evaluation.”.*

19 **PART B—FEDERAL FAMILY EDUCATION LOANS**

20 **SEC. 421. LIMITATIONS ON AMOUNTS OF LOANS COVERED**

21 **BY FEDERAL INSURANCE.**

22       *Section 424(a) (20 U.S.C. 1074(a)) is amended—*

23              *(1) by striking “2012” and inserting “2013”;*

24       *and*

25              *(2) by striking “2016” and inserting “2017”.*

1 **SEC. 422. FEDERAL INTEREST SUBSIDIES.**

2       Section 428(a)(5) (20 U.S.C. 1078(a)(5)) is amend-  
3 ed—

4           (1) by striking “2012” and inserting “2013”;  
5       and

6           (2) by striking “2016” and inserting “2017”.

7 **SEC. 423. STUDENT LOAN INFORMATION.**

8       Section 428(k) (20 U.S.C. 1078(k)) is amended by  
9 adding at the end the following new paragraph:

10           “(4) STUDENT LOAN INFORMATION.—

11           “(A) Notwithstanding any other provision  
12 of law or regulation, if requested by an institu-  
13 tion of higher education or a third party servicer  
14 (as defined in section 481(c)) working on behalf  
15 of such institution to prevent student loan de-  
16 faults for borrowers who currently attend or pre-  
17 viously attended such institution, a lender, sec-  
18 ondary market, holder, or guaranty agency shall  
19 provide, free of charge and in a timely and effec-  
20 tive manner, any student loan information per-  
21 taining to loans made under this title to such  
22 borrowers maintained by that entity, provided  
23 that the information requested is for a borrower  
24 who currently attends or previously attended  
25 such institution.

1           “(B) *An institution and any third party*  
2           *servicer obtaining access to information under*  
3           *subparagraph (A) shall safeguard that informa-*  
4           *tion in order to prevent potential abuses of that*  
5           *information, including identity theft.*

6           “(C) *Any third party servicer that obtains*  
7           *information under this paragraph—*

8                   “(i) *shall only use the information in*  
9                   *a manner directly related to the default pre-*  
10                  *vention work the servicer is performing on*  
11                  *behalf of the institution of higher education;*

12                  “(ii) *shall not sell the information to*  
13                  *other entities;*

14                  “(iii) *shall not share the information*  
15                  *with, or transfer the information to, entities*  
16                  *other than the borrower or the institution of*  
17                  *higher education referenced in subpara-*  
18                  *graph (A); and*

19                  “(iv) *shall be subject to any regulations*  
20                  *established by the Secretary pursuant to sec-*  
21                  *tion 432 concerning the misuse of such in-*  
22                  *formation, including any penalties for such*  
23                  *misuse.”.*

1 **SEC. 424. CONSOLIDATION LOAN DISCLOSURE.**

2       Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is  
3 amended—

4           (1) by redesignating subparagraphs (E) and (F)  
5 as subparagraphs (F) and (G), respectively; and

6           (2) by inserting after subparagraph (D) the fol-  
7 lowing new subparagraph:

8               “(E) that the lender will disclose, in a clear  
9 and conspicuous manner, to borrowers who seek  
10 to consolidate loans made under part E of this  
11 title—

12                   “(i) that once the borrower adds a Fed-  
13 eral Perkins Loan to a Federal Consolida-  
14 tion Loan, the borrower will lose all inter-  
15 est-free periods that would have been avail-  
16 able, such as those when no interest accrues  
17 on the Federal Perkins Loan while the bor-  
18 rower is enrolled in school at least half-  
19 time, during the grace period, and during  
20 periods when the borrower’s student loan re-  
21 payments are deferred;

22                   “(ii) that the borrower will no longer  
23 be eligible for loan cancellation of Federal  
24 Perkins Loans under any provision of sec-  
25 tion 465; and



1                   “(iii) in detail the occupations listed  
 2                   in section 465 for which the borrower will  
 3                   lose eligibility for Federal Perkins Loan  
 4                   cancellation;”.

5   **SEC. 425. LOAN FORGIVENESS FOR SERVICE IN AREAS OF**  
 6                   **NATIONAL NEED.**

7           Section 428K (20 U.S.C. 1078–11) is amended to read  
 8 as follows:

9   **“SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF**  
 10                   **NATIONAL NEED.**

11           “(a) PROGRAM AUTHORIZED.—

12                   “(1) LOAN FORGIVENESS AUTHORIZED.—The  
 13                   Secretary shall forgive, in accordance with this sec-  
 14                   tion, the student loan obligation of a borrower in the  
 15                   amount specified in subsection (c) who—

16                           “(A) is employed full-time in an area of na-  
 17                           tional need described in subsection (b); and

18                           “(B) is not in default on a loan for which  
 19                           the borrower seeks forgiveness.

20                   “(2) METHOD OF LOAN FORGIVENESS.—To pro-  
 21                   vide loan forgiveness under paragraph (1), the Sec-  
 22                   retary is authorized to carry out a program—

23                           “(A) through the holder of the loan, to as-  
 24                           sume the obligation to repay a qualified loan  
 25                           amount for a loan made, insured, or guaranteed

1           *under this part (other than an excepted PLUS*  
2           *loan (as such term is defined in section*  
3           *493C(a)); and*

4           *“(B) to cancel a qualified loan amount for*  
5           *a loan made under part D of this title (other*  
6           *than such an excepted PLUS loan).*

7           *“(3) REGULATIONS.—The Secretary is author-*  
8           *ized to issue such regulations as may be necessary to*  
9           *carry out the provisions of this section.*

10          *“(b) AREAS OF NATIONAL NEED.—For purposes of this*  
11          *section, an individual shall be treated as employed in an*  
12          *area of national need if the individual is employed full-*  
13          *time as any of the following:*

14                *“(1) EARLY CHILDHOOD EDUCATORS.—An indi-*  
15                *vidual who is employed as an early childhood educa-*  
16                *tor in an eligible preschool program or eligible early*  
17                *childhood education program in a low-income com-*  
18                *munity, and who is involved directly in the care, de-*  
19                *velopment, and education of infants, toddlers, or*  
20                *young children age 5 and under.*

21                *“(2) NURSES.—An individual who is em-*  
22                *ployed—*

23                        *“(A) as a nurse in a clinical setting; or*

24                        *“(B) as a member of the nursing faculty at*  
25                        *an accredited school of nursing (as those terms*

1           *are defined in section 801 of the Public Health*  
2           *Service Act (42 U.S.C. 296)).*

3           “(3) *FOREIGN LANGUAGE SPECIALISTS.—An in-*  
4           *dividual who has obtained a baccalaureate or ad-*  
5           *vanced degree in a critical foreign language and is*  
6           *employed—*

7                     *“(A) in an elementary or secondary school*  
8                     *as a teacher of a critical foreign language;*

9                     *“(B) in an agency of the United States*  
10                    *Government in a position that regularly requires*  
11                    *the use of such critical foreign language; or*

12                    *“(C) in an institution of higher education*  
13                    *as a faculty member or instructor teaching a*  
14                    *critical foreign language.*

15           “(4) *LIBRARIANS.—An individual who is em-*  
16           *ployed as a librarian in—*

17                    *“(A) a public library that serves a geo-*  
18                    *graphic area within which the public schools*  
19                    *have a combined average of 30 percent or more*  
20                    *of their total student enrollments composed of*  
21                    *children counted under section 1113(a)(5) of the*  
22                    *Elementary and Secondary Education Act of*  
23                    *1965; or*

24                    *“(B) a high-need school.*

1           “(5) *HIGHLY QUALIFIED TEACHERS: SERVING*  
 2           *STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT,*  
 3           *LOW-INCOME COMMUNITIES, AND UNDERREP-*  
 4           *RESENTED POPULATIONS.—An individual who—*

5                   “(A) *is highly qualified as such term is de-*  
 6                   *finied in section 9101 of the Elementary and Sec-*  
 7                   *ondary Education Act of 1965; and*

8                   “(B)(i) *is employed as a teacher educating*  
 9                   *students who are limited English proficient;*

10                   “(ii) *is employed as a teacher in a high-*  
 11                   *need school; or*

12                   “(iii) *is an individual from an underrep-*  
 13                   *resented population in the teaching profession, as*  
 14                   *determined by the Secretary.*

15           “(6) *CHILD WELFARE WORKERS.—An individual*  
 16           *who—*

17                   “(A) *has obtained a degree in social work or*  
 18                   *a related field with a focus on serving children*  
 19                   *and families; and*

20                   “(B) *is employed in public or private child*  
 21                   *welfare services.*

22           “(7) *SPEECH-LANGUAGE PATHOLOGISTS.—An*  
 23           *individual who is a speech-language pathologist, who*  
 24           *is employed in an eligible preschool program or an el-*  
 25           *ementary or secondary school, and who has, at a min-*

1        *imum, a graduate degree in speech-language pathol-*  
2        *ogy, or communication sciences and disorders.*

3                “(8) *NATIONAL SERVICE.*—*An individual who is*  
4        *engaged as a participant in a project under the Na-*  
5        *tional and Community Service Act of 1990 (as such*  
6        *terms are defined in section 101 of such Act (42*  
7        *U.S.C. 12511)).*

8                “(9) *SCHOOL COUNSELORS.*—*An individual who*  
9        *is employed as a school counselor (as such term is de-*  
10       *efined in section 5421(e)(3) of Elementary and Sec-*  
11       *ondary Education Act of 1965 (20 U.S.C.*  
12       *7245(e)(3))) in a high-need school.*

13               “(10) *PUBLIC SECTOR EMPLOYEES.*—*An indi-*  
14       *vidual who is employed in public safety (including as*  
15       *a first responder, firefighter, police officer, or other*  
16       *law enforcement or public safety officer), emergency*  
17       *management (including as an emergency medical*  
18       *technician), public health (including full-time profes-*  
19       *sionals engaged in health care practitioner occupa-*  
20       *tions and health care support occupations, as such*  
21       *terms are defined by the Bureau of Labor Statistics),*  
22       *or public interest legal services (including prosecution*  
23       *or public defense or legal advocacy in low-income*  
24       *communities at a nonprofit organization).*

1           “(11) *NUTRITION PROFESSIONALS*.—An indi-  
2       *vidual who—*

3           “(A) *is a licensed, certified, or registered di-*  
4       *etician who has completed a degree in a relevant*  
5       *field; and*

6           “(B) *has obtained employment in an agen-*  
7       *cy of the special supplemental nutrition program*  
8       *for women, infants, and children under section*  
9       *17 of the Child Nutrition Act of 1966 (42 U.S.C.*  
10       *1786).*

11          “(12) *MEDICAL SPECIALISTS*.—An individual  
12       *who—*

13           “(A) *has received his or her degree from an*  
14       *accredited medical school (as accredited by the*  
15       *Liaison Committee on Medical Education or as*  
16       *defined by this title IV); and*

17           “(B)(i) *has been accepted to, or currently*  
18       *participates in, a graduate medical education*  
19       *training program or fellowship (or both) to pro-*  
20       *vide health care services (as recognized by the*  
21       *Accreditation Council for Graduate Medical*  
22       *Education); or*

23           “(ii) *has been accepted to, or currently par-*  
24       *ticipates in, a graduate medical education pro-*

1           *gram or fellowship (or both) to provide health*  
2           *care services that—*

3                     *“(I) requires more than 5 years of total*  
4                     *graduate medical training; and*

5                     *“(II) has fewer United States medical*  
6                     *school graduate applicants than the total*  
7                     *number of training and fellowship positions*  
8                     *available in the programs specified in sub-*  
9                     *clause (I) of this clause.*

10           *“(13) MENTAL HEALTH PROFESSIONALS.—Indi-*  
11           *viduals who have at least a master’s degree in social*  
12           *work, psychology, or psychiatry and who are pro-*  
13           *viding mental health services to children, adolescents,*  
14           *or veterans.*

15           *“(c) QUALIFIED LOAN AMOUNT.—At the end of each*  
16           *school, academic, or calendar year of full-time employment*  
17           *on or after the date of enactment of the College Opportunity*  
18           *and Affordability Act of 2007 in an area of national need*  
19           *described in subsection (b), not to exceed 5 years, the Sec-*  
20           *retary shall forgive not more than \$2,000 of the student loan*  
21           *obligation of a borrower that is outstanding after the com-*  
22           *pletion of each such school, academic, or calendar year of*  
23           *employment, as appropriate, not to exceed \$10,000 in the*  
24           *aggregate for any borrower.*

1       “(d) *PRIORITY.*—*The Secretary shall grant loan for-*  
 2 *giveness under this section on a first-come, first-served*  
 3 *basis, and subject to the availability of appropriations.*

4       “(e) *CONSTRUCTION.*—*Nothing in this section shall be*  
 5 *construed to authorize the refunding of any repayment of*  
 6 *a loan.*

7       “(f) *SEGAL AMERICORPS EDUCATION AWARD AND NA-*  
 8 *TIONAL SERVICE AWARD RECIPIENTS.*—*A student borrower*  
 9 *who qualifies for the maximum education award under sub-*  
 10 *title D of title I of the National and Community Service*  
 11 *Act of 1990 (42 U.S.C. 12601 et seq.) shall receive under*  
 12 *this section the amount, if any, by which the maximum*  
 13 *benefit available under this section exceeds the maximum*  
 14 *education award available under such subtitle.*

15       “(g) *INELIGIBILITY FOR DOUBLE BENEFITS.*—*No bor-*  
 16 *rower may receive a reduction of loan obligations under*  
 17 *both this section and section 428J or 460.*

18       “(h) *DEFINITIONS.*—*In this section:*

19               “(1) *EARLY CHILDHOOD EDUCATOR.*—*The term*  
 20 *‘early childhood educator’ means an early childhood*  
 21 *educator who works directly with children in an eligi-*  
 22 *ble preschool program or eligible early childhood edu-*  
 23 *cation program who has completed a baccalaureate or*  
 24 *advanced degree in early childhood development, early*



1 *childhood education, or in a field related to early*  
2 *childhood education.*

3 “(2) *ELIGIBLE PRESCHOOL PROGRAM.*—*The*  
4 *term ‘eligible preschool program’ means a program*  
5 *that provides for the care, development, and education*  
6 *of infants, toddlers, or young children age 5 and*  
7 *under, meets any applicable State or local govern-*  
8 *ment licensing, certification, approval, and registra-*  
9 *tion requirements, and is operated by—*

10 “(A) *a public or private school that is sup-*  
11 *ported, sponsored, supervised, or administered by*  
12 *a local educational agency;*

13 “(B) *a Head Start agency serving as a*  
14 *grantee designated under the Head Start Act (42*  
15 *U.S.C. 9831 et seq.);*

16 “(C) *a nonprofit or community based orga-*  
17 *nization; or*

18 “(D) *a child care program, including a*  
19 *home.*

20 “(3) *ELIGIBLE EARLY CHILDHOOD EDUCATION*  
21 *PROGRAM.*—*The term ‘eligible early childhood edu-*  
22 *cation program’ means—*

23 “(A) *a family child care program, center-*  
24 *based child care program, State prekindergarten*  
25 *program, school program, or other out-of-home*

1       *early childhood development care program,*  
 2       *that—*

3               *“(i) is licensed or regulated by the*  
 4               *State; and*

5               *“(ii) serves 2 or more unrelated chil-*  
 6               *dren who are not old enough to attend kin-*  
 7               *dergarten;*

8               *“(B) a Head Start Program carried out*  
 9               *under the Head Start Act (42 U.S.C. 9831 et*  
 10              *seq.); or*

11              *“(C) an Early Head Start Program carried*  
 12              *out under section 645A of the Head Start Act*  
 13              *(42 U.S.C. 9840a).*

14              *“(4) LOW-INCOME COMMUNITY.—The term ‘low-*  
 15              *income community’ means a school attendance area*  
 16              *(as defined in section 1113(a)(2)(A) of the Elemen-*  
 17              *tary and Secondary Education Act of 1965)—*

18              *“(A) in which 70 percent of households earn*  
 19              *less than 85 percent of the State median house-*  
 20              *hold income; or*

21              *“(B) that includes a high-need school.*

22              *“(5) NURSE.—The term ‘nurse’ means a nurse*  
 23              *who meets all of the following:*

24              *“(A) The nurse graduated from—*

1           “(i) *an accredited school of nursing (as*  
2           *those terms are defined in section 801 of the*  
3           *Public Health Service Act (42 U.S.C. 296));*

4           “(ii) *a nursing center; or*

5           “(iii) *an academic health center that*  
6           *provides nurse training.*

7           “(B) *The nurse holds a valid and unre-*  
8           *stricted license to practice nursing in the State*  
9           *in which the nurse practices in a clinical setting.*

10          “(C) *The nurse holds one or more of the fol-*  
11          *lowing:*

12               “(i) *A graduate degree in nursing, or*  
13               *an equivalent degree.*

14               “(ii) *A nursing degree from a collegiate*  
15               *school of nursing (as defined in section 801*  
16               *of the Public Health Service Act (42 U.S.C.*  
17               *296)).*

18               “(iii) *A nursing degree from an asso-*  
19               *ciate degree school of nursing (as defined in*  
20               *section 801 of the Public Health Service Act*  
21               *(42 U.S.C. 296)).*

22               “(iv) *A nursing degree from a diploma*  
23               *school of nursing (as defined in section 801*  
24               *of the Public Health Service Act (42 U.S.C.*  
25               *296)).*

1           “(6) *SPEECH-LANGUAGE PATHOLOGIST.*—*The*  
 2           *term ‘speech-language pathologist’ means a speech-*  
 3           *language pathologist who—*

4                     “(A) *has received, at a minimum, a grad-*  
 5                     *uate degree in speech-language pathology or com-*  
 6                     *munication sciences and disorders from an insti-*  
 7                     *tution of higher education accredited by an agen-*  
 8                     *cy or association recognized by the Secretary*  
 9                     *pursuant to section 496(a) of this Act; and*

10                    “(B) *provides speech-language pathology*  
 11                    *services under section 1861(l)(1) of the Social*  
 12                    *Security Act (42 U.S.C. 1395x(l)(1)), or meets*  
 13                    *or exceeds the qualifications for a qualified*  
 14                    *speech-language pathologist under subsection*  
 15                    *(l)(3) of such section (42 U.S.C. 1395x(l)(3)).*

16           “(i) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 17           *authorized to be appropriated to carry out this section such*  
 18           *sums as may be necessary for fiscal year 2009 and each*  
 19           *of the 4 succeeding fiscal years to provide loan forgiveness*  
 20           *in accordance with this section.”.*

21   **SEC. 426. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE**  
 22                   **ATTORNEYS.**

23           *Part B of title IV (20 U.S.C. 1071 et seq.) is amended*  
 24           *by inserting after section 428K the following new section:*

1 **“SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSIST-**  
 2 **ANCE ATTORNEYS.**

3 “(a) *PURPOSE.*—*The purpose of this section is to en-*  
 4 *courage qualified individuals to enter and continue employ-*  
 5 *ment as civil legal assistance attorneys.*

6 “(b) *DEFINITIONS.*—*In this section:*

7 “(1) *CIVIL LEGAL ASSISTANCE ATTORNEY.*—*The*  
 8 *term ‘civil legal assistance attorney’ means an attor-*  
 9 *ney who—*

10 “(A) *is a full-time employee of a nonprofit*  
 11 *organization that provides legal assistance with*  
 12 *respect to civil matters to low-income individuals*  
 13 *without a fee;*

14 “(B) *as such employee, provides civil legal*  
 15 *assistance as described in subparagraph (A) on*  
 16 *a full-time basis; and*

17 “(C) *is continually licensed to practice law.*

18 “(2) *STUDENT LOAN.*—*The term ‘student loan’*  
 19 *means—*

20 “(A) *subject to subparagraph (B), a loan*  
 21 *made, insured, or guaranteed under part B, D,*  
 22 *or E of this title; and*

23 “(B) *a loan made under section 428C or*  
 24 *455(g), to the extent that such loan was used to*  
 25 *repay—*

1                   “(i) a *Federal Direct Stafford Loan*, a  
2                   *Federal Direct Unsubsidized Stafford Loan*,  
3                   or a *Federal Direct PLUS Loan*;

4                   “(ii) a loan made under section 428,  
5                   428B, or 428H; or

6                   “(iii) a loan made under part E.

7           “(c) *PROGRAM AUTHORIZED.*—The Secretary shall  
8 carry out a program of assuming the obligation to repay  
9 a student loan, by direct payments on behalf of a borrower  
10 to the holder or the Secretary in the case of a loan under  
11 part D or E of such loan, in accordance with subsection  
12 (d), for any borrower who—

13                   “(1) is employed as a civil legal assistance attor-  
14                   ney; and

15                   “(2) is not in default on a loan for which the  
16 borrower seeks repayment.

17           “(d) *TERMS OF AGREEMENT.*—

18                   “(1) *IN GENERAL.*—To be eligible to receive re-  
19 payment benefits under subsection (c), a borrower  
20 shall enter into a written agreement with the Sec-  
21 retary that specifies that—

22                   “(A) the borrower will remain employed as  
23 a civil legal assistance attorney for a required  
24 period of service of not less than 3 years, unless  
25 involuntarily separated from that employment;

1           “(B) if the borrower is involuntarily sepa-  
2           rated from employment on account of mis-  
3           conduct, or voluntarily separates from employ-  
4           ment, before the end of the period specified in the  
5           agreement, the borrower will repay the Secretary  
6           the amount of any benefits received by such em-  
7           ployee under this agreement;

8           “(C) if the borrower is required to repay an  
9           amount to the Secretary under subparagraph  
10          (B) and fails to repay such amount, a sum equal  
11          to that amount shall be recoverable by the Fed-  
12          eral Government from the employee by such  
13          methods as are provided by law for the recovery  
14          of amounts owed to the Federal Government;

15          “(D) the Secretary may waive, in whole or  
16          in part, a right of recovery under this subsection  
17          if it is shown that recovery would be against eq-  
18          uity and good conscience or against the public  
19          interest; and

20          “(E) the Secretary shall make student loan  
21          payments under this section for the period of the  
22          agreement, subject to the availability of appro-  
23          priations.

24          “(2) REPAYMENTS.—

1           “(A) *IN GENERAL.*—Any amount repaid by,  
2           or recovered from, an individual under this sub-  
3           section shall be credited to the appropriation ac-  
4           count from which the amount involved was origi-  
5           nally paid.

6           “(B) *MERGER.*—Any amount credited  
7           under subparagraph (A) shall be merged with  
8           other sums in such account and shall be avail-  
9           able for the same purposes and period, and sub-  
10          ject to the same limitations, if any, as the sums  
11          with which the amount was merged.

12          “(3) *LIMITATIONS.*—

13               “(A) *STUDENT LOAN PAYMENT AMOUNT.*—  
14               Student loan repayments made by the Secretary  
15               under this section shall be made subject to such  
16               terms, limitations, or conditions as may be mu-  
17               tually agreed upon by the borrower and the Sec-  
18               retary in an agreement under paragraph (1), ex-  
19               cept that the amount paid by the Secretary  
20               under this section shall not exceed—

21                       “(i) \$6,000 for any borrower in any  
22                       calendar year; or

23                       “(ii) an aggregate total of \$40,000 in  
24                       the case of any borrower.



1           “(B) *BEGINNING OF PAYMENTS.*—*Nothing*  
2           *in this section shall authorize the Secretary to*  
3           *pay any amount to reimburse a borrower for*  
4           *any repayments made by such borrower prior to*  
5           *the date on which the Secretary entered into an*  
6           *agreement with the borrower under this sub-*  
7           *section.*

8           “(e) *ADDITIONAL AGREEMENTS.*—

9           “(1) *IN GENERAL.*—*On completion of the re-*  
10          *quired period of service under an agreement under*  
11          *subsection (d), the borrower and the Secretary may,*  
12          *subject to paragraph (2), enter into an additional*  
13          *agreement in accordance with subsection (d).*

14          “(2) *TERM.*—*An agreement entered into under*  
15          *paragraph (1) may specify that, notwithstanding sub-*  
16          *section (d)(1)(A), the required period of service dur-*  
17          *ing which the borrower will remain employed as a*  
18          *civil legal assistance attorney may be less than 3*  
19          *years.*

20          “(f) *AWARD BASIS; PRIORITY.*—

21          “(1) *AWARD BASIS.*—*Subject to paragraph (2),*  
22          *the Secretary shall provide repayment benefits under*  
23          *this section on a first-come, first-served basis, and*  
24          *subject to the availability of appropriations.*

1           “(2) *PRIORITY.*—*The Secretary shall give pri-*  
 2           *ority in providing repayment benefits under this sec-*  
 3           *tion in any fiscal year to a borrower who—*

4                     “(A) *has practiced law for 5 years or less*  
 5                     *and, for at least 90 percent of the time in such*  
 6                     *practice, has served as a civil legal assistance at-*  
 7                     *torney;*

8                     “(B) *received repayment benefits under this*  
 9                     *section during the preceding fiscal year; and*

10                    “(C) *has completed less than 3 years of the*  
 11                    *first required period of service specified for the*  
 12                    *borrower in an agreement entered into under*  
 13                    *subsection (d).*

14           “(g) *REGULATIONS.*—*The Secretary is authorized to*  
 15           *issue such regulations as may be necessary to carry out the*  
 16           *provisions of this section.*

17           “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
 18           *are authorized to be appropriated to carry out this section*  
 19           *\$10,000,000 for fiscal year 2009 and such sums as may be*  
 20           *necessary for each of the 4 succeeding fiscal years.”.*

21   **SEC. 427. SETTLEMENT OF CLAIMS.**

22           *Section 432(b) (20 U.S.C. 1082(b)) is amended by add-*  
 23           *ing at the end the following: “The Secretary may not enter*  
 24           *into any settlement of any claim under this Act that exceeds*  
 25           *\$1,000,000 unless the Secretary has asked the Attorney Gen-*

1 eral to review the settlement agreement and issue an opin-  
 2 ion to the Secretary and the authorizing committees related  
 3 to such proposed settlement.”.

4 **SEC. 428. DELINQUENCY PREVENTION, DEFAULT AVERSION,**  
 5 **AND CONSUMER EDUCATION INFORMATION**  
 6 **PROGRAMS.**

7 *Part B of title IV is further amended by inserting after*  
 8 *section 433 (20 U.S.C. 1083) the following new section:*

9 **“SEC. 433A. DELINQUENCY PREVENTION, DEFAULT AVER-**  
 10 **SION, AND CONSUMER EDUCATION INFORMA-**  
 11 **TION PROGRAMS.**

12 *“(a) GUARANTY AGENCY DUTY.—Each guaranty agen-*  
 13 *cy, with respect to loans insured by the agency, shall de-*  
 14 *velop specific programs designed to prevent delinquencies*  
 15 *and avert defaults.*

16 *“(b) TRAINING FOR STUDENTS AND FAMILIES.—Each*  
 17 *guaranty agency, after consulting with institutions of high-*  
 18 *er education (including institutions of higher education*  
 19 *participating in the William Ford Direct Loan Program),*  
 20 *shall develop and make available high quality educational*  
 21 *programs and materials to provide training for students*  
 22 *and families in budgeting and financial management, in-*  
 23 *cluding debt management and other aspects of financial lit-*  
 24 *eracy, such as the cost of using high interest loans to pay*  
 25 *for postsecondary education. Such programs and materials*

1 *shall address budgeting and financial management relating*  
 2 *to student loans, and shall be made available to students*  
 3 *and families, in a form and language that is understand-*  
 4 *able, before, during, and after the students' enrollment.*

5 “(c) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*  
 6 *tion shall be construed to prohibit a guaranty agency from*  
 7 *using existing activities, programs, and materials in meet-*  
 8 *ing the requirements of this section.”.*

9 **SEC. 429. DEFINITION OF ELIGIBLE LENDER.**

10 *Section 435(d)(1)(A)(ii) (20 U.S.C. 1085(d)(1)(A)(ii))*  
 11 *is amended—*

12 *(1) by striking “part, or (III)” and inserting*  
 13 *“part, (III)”;* and

14 *(2) by inserting before the semicolon at the end*  
 15 *the following: “, or (IV) it is a National or State*  
 16 *chartered bank with assets of less than*  
 17 *\$1,000,000,000”.*

18 **SEC. 430. COHORT DEFAULT RATES.**

19 *Section 435(m) (20 U.S.C. 1085(m)) is amended—*

20 *(1) in the first sentence of paragraph (1)(A), by*  
 21 *striking “end of the following fiscal year” and insert-*  
 22 *ing “beginning of the third fiscal year following the*  
 23 *fiscal year in which the students entered repayment”;*

24 *(2) in paragraph (1)(C), by striking “end of the*  
 25 *fiscal year immediately following the year in which*

1       *they entered repayment” and inserting “beginning of*  
2       *the third fiscal year following the year in which they*  
3       *entered repayment”;*

4             (3) *in paragraph (2)(C), by striking “end of*  
5       *such following fiscal year is not considered as in de-*  
6       *fault for the purposes of this subsection” and insert-*  
7       *ing “beginning of the third fiscal year following the*  
8       *year in which the loan entered repayment is not con-*  
9       *sidered as in default for purposes of this subsection”;*  
10       *and*

11            (4) *in paragraph (4)—*

12                (A) *by amending the header to read as fol-*  
13       *lows: “COLLECTION AND REPORTING OF COHORT*  
14       *DEFAULT RATES AND LIFE OF COHORT DEFAULT*  
15       *RATES.—”;* *and*

16                (B) *by amending subparagraph (A) to read*  
17       *as follows:*

18                “(A) *The Secretary shall collect data from all in-*  
19       *surers under this part and shall publish not less often*  
20       *than once every fiscal year a report showing cohort*  
21       *default data and life of cohort default data for each*  
22       *category of institution, including (i) 4-year public in-*  
23       *stitutions, (ii) 4-year private nonprofit institutions,*  
24       *(iii) 2-year public institutions, (iv) 2-year private in-*  
25       *stitutions, (v) 4-year proprietary institutions, (vi) 2-*

1       year proprietary institutions, and (vii) less than 2-  
2       year proprietary institutions. For purposes of this  
3       subparagraph, the life of cohort default rate means,  
4       for any fiscal year in which 1 or more current and  
5       former students at an institution enter repayment on  
6       loans under section 428, 428A, or 428H, received for  
7       attendance at the institution, the percentage of those  
8       current and former students who enter repayment on  
9       such loans (or on the portion of a loan made under  
10      section 428C that is used to repay any such loans) re-  
11      ceived for attendance at the institution in that fiscal  
12      year who default before the end of each succeeding fis-  
13      cal year.”.

14   **SEC. 431. DISABILITY DETERMINATIONS.**

15       Section 437(a) (20 U.S.C. 1087(a)) is amended by  
16      adding at the end the following new sentence: “A borrower  
17      who receives a permanent total disability rating from the  
18      Secretary of Veterans Affairs, and who provides documenta-  
19      tion of such rating to the Secretary of Education, shall be  
20      considered permanently and totally disabled for the purpose  
21      of discharging such borrower’s loans under this subsection,  
22      and such borrower shall not be required to present addi-  
23      tional documentation for purposes of this subsection.”.

1 **PART C—COLLEGE WORK/STUDY**

2 **SEC. 441. REAUTHORIZATION.**

3 (a) *EXTENSION OF AUTHORITY.*—Section 441 (42  
4 U.S.C. 2751) is amended—

5 (1) in subsection (b), by striking “\$1,000,000,000  
6 for fiscal year 1999” and inserting “\$1,500,000,000  
7 for fiscal year 2009”; and

8 (2) in subsection (c)—

9 (A) by striking “and” at the end of para-  
10 graph (3);

11 (B) by striking the period at the end of  
12 paragraph (4) and inserting “; and”; and

13 (C) by adding at the end the following new  
14 paragraph:

15 “(5) responding to the needs of the community,  
16 which may include activities in preparation for and  
17 during emergencies and natural disasters.”.

18 (b) *ALLOWANCE FOR BOOKS AND SUPPLIES.*—Section  
19 442(c)(4)(D) (42 U.S.C. 2752(d)(4)(D)) is amended by  
20 striking “\$450” and inserting “\$600”.

21 **SEC. 442. ADDITIONAL FUNDS FOR OFF-CAMPUS COMMU-**  
22 **NITY SERVICE.**

23 Section 447 (42 U.S.C. 2756a) is amended—

24 (1) by striking “Each institution participating”  
25 and inserting “(a) *COMMUNITY SERVICE-LEARN-*  
26 *ING.*—Each institution participating”; and

1           (2) *by adding at the end the following new sub-*  
2           *section:*

3           “(b) *OFF-CAMPUS COMMUNITY SERVICE.*—

4           “(1) *GRANTS AUTHORIZED.*—*In addition to*  
5           *funds made available under section 443(b)(2)(B), the*  
6           *Secretary is authorized to award grants to institu-*  
7           *tions participating under this part to supplement off-*  
8           *campus community service employment.*

9           “(2) *USE OF FUNDS.*—*In any year in which sec-*  
10          *tion 443(b)(2)(B) applies, an institution shall ensure*  
11          *that funds granted to such institution under this sub-*  
12          *section are used in accordance with such section 443*  
13          *to recruit and compensate students (including com-*  
14          *ensation for time spent in training and for travel*  
15          *directly related to such community service).*

16          “(3) *PRIORITY.*—*In awarding grants under this*  
17          *subsection, the Secretary shall give priority to appli-*  
18          *cations that support postsecondary students assisting*  
19          *with early childhood education activities and activi-*  
20          *ties in preparation for and during emergencies and*  
21          *natural disasters.*

22          “(4) *AUTHORIZATION OF APPROPRIATIONS.*—  
23          *There are authorized to be appropriated to carry out*  
24          *this subsection such sums as may be necessary for fis-*



1        *cal year 2009 and each of the 4 succeeding fiscal*  
 2        *years.”.*

3    **SEC. 443. WORK COLLEGES.**

4        (a) *WORK-LEARNING-SERVICE.*—Section 448 (42  
 5        *U.S.C. 2756b) is amended by striking “work-learning” each*  
 6        *place it appears and inserting “work-learning-service”.*

7        (b) *DEFINITION.*—Section 448(e) is amended to read  
 8        *as follows:*

9            “(e) *DEFINITIONS.*—For the purpose of this section—  
 10            “(1) the term ‘work college’ means an eligible in-  
 11            *stitution that—*

12                    “(A) *has been a public or private nonprofit,*  
 13                    *four-year, degree granting institution with a*  
 14                    *commitment to community service;*

15                    “(B) *has operated a comprehensive work-*  
 16                    *learning-service program for at least 2 years;*

17                    “(C) *requires all resident students, includ-*  
 18                    *ing at least one-half of all students who are en-*  
 19                    *rolled on a full-time basis, to participate in a*  
 20                    *comprehensive work-learning-service program for*  
 21                    *at least 5 hours each week, or at least 80 hours*  
 22                    *during each period of enrollment, except summer*  
 23                    *school, unless the student is engaged in an insti-*  
 24                    *tutionally organized or approved study abroad*  
 25                    *or externship program; and*

1           “(D) provides students participating in the  
2           comprehensive work-learning-service program  
3           with the opportunity to contribute to their edu-  
4           cation and to the welfare of the community as a  
5           whole; and

6           “(2) the term ‘comprehensive student work-learn-  
7           ing-service program’ means a student work-learning-  
8           service program that—

9           “(A) is an integral and stated part of the  
10          institution’s educational philosophy and pro-  
11          gram;

12          “(B) requires participation of all resident  
13          students for enrollment and graduation;

14          “(C) includes learning objectives, evalua-  
15          tion, and a record of work performance as part  
16          of the student’s college record;

17          “(D) provides programmatic leadership by  
18          college personnel at levels comparable to tradi-  
19          tional academic programs;

20          “(E) recognizes the educational role of  
21          work-learning-service supervisors; and

22          “(F) includes consequences for nonperform-  
23          ance or failure in the work-learning-service pro-  
24          gram similar to the consequences for failure in  
25          the regular academic program.”.

1       (c) *AUTHORIZATION*.—Section 448(f) is amended—

2               (1) by striking “\$5,000,000” and inserting “such  
3       sums as may be necessary”; and

4               (2) by striking “1999” and inserting “2009”.

5       ***PART D—FEDERAL DIRECT STUDENT LOANS***

6       ***SEC. 451. REAUTHORIZATION.***

7       Section 458(a) (20 U.S.C. 1087h(a)) is amended—

8               (1) in paragraph (2)—

9                       (A) in the heading of such paragraph, by  
10       striking “2011” and inserting “2013”; and

11                      (B) by striking “2011” and inserting  
12       “2013”; and

13               (2) in paragraph (3), by striking “2011” and in-  
14       serting “2013”.

15       ***SEC. 452. PUBLIC SERVICE JOB DEFINITION.***

16       Section 455(m)(3)(B) (20 U.S.C. 1087e(m)(3)(B)) is  
17       amended to read as follows:

18                      “(B) *PUBLIC SERVICE JOB*.—The term ‘pub-  
19       lic service job’ means—

20                               “(i) a full-time job in emergency man-  
21       agement, government (excluding time served  
22       as a member of Congress), military service,  
23       public safety, law enforcement, public health  
24       (including nurses, nurse practitioners,  
25       nurses in a clinical setting, and full-time

1           *professionals engaged in health care practi-*  
2           *tioner occupations and health care support*  
3           *occupations, as such terms are defined by*  
4           *the Bureau of Labor Statistics), public edu-*  
5           *cation, social work in a public child or fam-*  
6           *ily service agency, public interest law serv-*  
7           *ices (including prosecution or public defense*  
8           *or legal advocacy on behalf of low-income*  
9           *communities at a nonprofit organization),*  
10          *early childhood education (including li-*  
11          *censed or regulated childcare, Head Start,*  
12          *and State funded prekindergarten), public*  
13          *service for individuals with disabilities,*  
14          *public service for the elderly, public library*  
15          *sciences, school-based library sciences and*  
16          *other school-based services, or at an organi-*  
17          *zation that is described in section 501(c)(3)*  
18          *of the Internal Revenue Code of 1986 and*  
19          *exempt from taxation under section 501(a)*  
20          *of such Code; or*

21                 *“(ii) teaching as a full-time faculty*  
22                 *member at a Tribal College or University as*  
23                 *defined in section 316(b) and other faculty*  
24                 *teaching in high-needs subject areas or*  
25                 *areas of shortage (including nurse faculty,*

1                   *foreign language faculty and part-time fac-*  
2                   *ulty at community colleges), as determined*  
3                   *by the Secretary.”.*

4   **SEC. 453. IDENTITY FRAUD PROTECTION.**

5           *Section 455 (20 U.S.C. 1087e) is further amended by*  
6   *adding at the end the following new subsection:*

7           “(n) *IDENTITY FRAUD PROTECTION.—The Secretary*  
8   *of Education shall take such steps as may be necessary to*  
9   *ensure that monthly Direct Loan statements and other pub-*  
10   *lications of the Department of Education do not contain*  
11   *more than 4 digits of the Social Security number of any*  
12   *individual.”.*

13   **SEC. 454. DIRECT LOAN PROGRAM AUDIT AND REPORTING**  
14                   **REQUIREMENTS.**

15           (a) *AUDIT OF DIRECT LOAN SERVICING PORTFOLIO*  
16   *AND DIRECT LOAN SERVICING CONTRACTS.—Section 458*  
17   *(20 U.S.C. 1087h) is amended by adding at the end the*  
18   *following:*

19           “(d) *AUDIT OF DIRECT LOAN SERVICING PORTFOLIO*  
20   *AND DIRECT LOAN SERVICING CONTRACTS.—The Secretary*  
21   *shall have a financial and compliance audit of all loans*  
22   *owned by the Department of Education and made under*  
23   *the William D. Ford Federal Direct Loan Program and all*  
24   *contracts for the origination, servicing, collection, and re-*  
25   *lated activities of such loans, conducted annually by a*

1 *qualified independent organization from a list of qualified*  
2 *organizations promulgated by the Secretary in accordance*  
3 *with standards established by the Comptroller General. The*  
4 *standards shall measure the servicer's compliance with the*  
5 *due diligence standards and shall include a defined statis-*  
6 *tical sampling technique designed to measure the perform-*  
7 *ance rating of the servicer for the purpose of this section.*  
8 *The Secretary shall submit the audit to Congress within*  
9 *60 days of its completion and shall at the same time make*  
10 *the results of the audit publicly available.”.*

11 *(b) QUARTERLY REPORTING OF ADMINISTRATIVE EX-*  
12 *PENSES.—Section 458 (20 U.S.C. 1087h) is further amend-*  
13 *ed by adding at the end the following:*

14 *“(e) BUDGET JUSTIFICATION AND QUARTERLY RE-*  
15 *PORTS.—In addition to the requirements of subsection (c),*  
16 *and as a prerequisite to expending funds under this section,*  
17 *the Secretary shall—*

18 *“(1) make publicly available immediately upon*  
19 *providing to Congress, its annual budget justification*  
20 *referenced in the last sentence of subsection (c), in-*  
21 *cluding the detailed descriptions of activities and the*  
22 *costs for each such activity; and*

23 *“(2) make publicly available within 30 days of*  
24 *the close of each calendar quarter, an interim report*  
25 *with at least the same level of detail as the annual*

1       report referred to above, showing the detailed descrip-  
2       tions of activities and the costs for each such activity,  
3       for the quarter, which shall include—

4               “(A) amendments to any contracts entered  
5       into by the Department for the purposes of serv-  
6       icing, origination, consolidating, or otherwise  
7       providing administrative support for the Direct  
8       Loan program;

9               “(B) a complete listing of all milestones for  
10       upgrades and improvements in any of the con-  
11       tracts referenced in section 458(d)(1) and the  
12       progress towards meeting such milestones;

13              “(C) un-reconciled balances in held loans by  
14       year of origination;

15              “(D) status and number of defaulted loans  
16       by length of default in 30-day increments;

17              “(E) status and number of delinquent loans  
18       by length of delinquency in 30-day increments;

19              “(F) information technology purchases  
20       made under this section; and

21              “(G) costs and terms of all contracts with  
22       external consultants and employees of institu-  
23       tions of higher education.”.

24       (c) ANNUAL REPORTING OF IMPACT OF DIRECT LOAN

25   PROGRAM TREASURY BORROWING ON NATIONAL DEBT.—

1 *Section 458 (20 U.S.C. 1087(h)) is further amended by add-*  
 2 *ing at the end the following subsection:*

3       “(f) *NATIONAL DEBT REPORT CARD.*—*The Secretary*  
 4 *shall make an annual report to Congress, included with the*  
 5 *budget justification for the Department, of the aggregate*  
 6 *dollar amount of increase in the national debt as a result*  
 7 *of loans made under part D of this title. This reporting*  
 8 *shall be made by calculating the net of the total outstanding*  
 9 *amount lent by the Department and the United States*  
 10 *Treasury, less the balance in principal of performing and*  
 11 *non-defaulted loans outstanding in the Department’s port-*  
 12 *folio.”.*

13                               **PART E—PERKINS LOANS**

14       **SEC. 461. EXTENSION OF AUTHORITY.**

15       *Section 461(b) (20 U.S.C. 1087aa(b)) is amended—*

16               (1) *in paragraph (1), by striking “\$250,000,000*  
 17 *for fiscal year 1999” and inserting “\$350,000,000 for*  
 18 *fiscal year 2009”; and*

19               (2) *in paragraph (2), by striking “2003” each*  
 20 *place it appears and inserting “2014”.*

21       **SEC. 462. ALLOWANCE FOR BOOKS AND SUPPLIES.**

22       *Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is*  
 23 *amended by striking “\$450” and inserting “\$600”.*



1 **SEC. 463. AGREEMENTS WITH INSTITUTIONS.**

2 (a) TRANSFERS FOR COLLECTION.—Section  
3 463(a)(4)(B) (20 U.S.C. 1087cc(a)(4)(B)) is amended to  
4 read as follows:

5 “(B) if the institution is not one described  
6 in subparagraph (A), the Secretary may allow  
7 such institution to refer such note or agreement  
8 to the Secretary, without recompense, except that  
9 any sums collected on such a loan (less an  
10 amount not to exceed 30 percent of any such  
11 sums collected to cover the Secretary’s collection  
12 costs) shall be repaid to such institution no later  
13 than 180 days after collection by the Secretary  
14 and treated as an additional capital contribu-  
15 tion under section 462;”.

16 (b) REVISE AUTHORITY TO PRESCRIBE ADDITIONAL  
17 FISCAL CONTROLS.—Section 463(a)(9) (20 U.S.C.  
18 1087cc(a)(9)) is amended by inserting “, except that noth-  
19 ing in this paragraph shall be construed to permit the Sec-  
20 retary to require the assignment of loans to the Secretary  
21 other than as is provided for in paragraphs (4) and (5)”  
22 before the period.

23 **SEC. 464. PERKINS LOAN TERMS AND CONDITIONS.**

24 (a) LOAN LIMITS.—Section 464(a) (20 U.S.C.  
25 1087dd(a)) is amended—

26 (1) in paragraph (2)(A)—

1                   (A) by striking “\$4,000” in clause (i) and  
 2                   inserting “\$5,500”; and

3                   (B) by striking “\$6,000” in clause (ii) and  
 4                   inserting “\$8,000”; and

5                   (2) in paragraph (2)(B)—

6                   (A) by striking “\$40,000” in clause (i) and  
 7                   inserting “\$60,000”;

8                   (B) by striking “\$20,000” in clause (ii) and  
 9                   inserting “\$27,500”; and

10                  (C) by striking “\$8,000” in clause (iii) and  
 11                  inserting “\$11,000”.

12                  (b) *FORBEARANCE*.—Section 464 (20 U.S.C. 1087dd)  
 13                  is further amended—

14                  (1) in subsection (e)—

15                   (A) in the matter preceding paragraph (1),  
 16                   by striking “, upon written request,” and insert-  
 17                   ing “, as documented in accordance with para-  
 18                   graph (2),”;

19                   (B) by redesignating paragraphs (1)  
 20                   through (3) as subparagraphs (A) through (C),  
 21                   respectively;

22                   (C) by inserting “(1)” after “*FORBEAR-*  
 23                   *ANCE*.—”; and

24                   (D) by adding at the end the following:

1       “(2) *For the purpose of paragraph (1), the terms of*  
 2 *forbearance agreed to by the parties shall be documented*  
 3 *by—*

4               “(A) *confirming the agreement of the borrower*  
 5 *by notice to the borrower from the institution of high-*  
 6 *er education; and*

7               “(B) *recording the terms in the borrower’s file.”;*

8               (2) *in subsection (h)(1)(A), by striking “12*  
 9 *ontime” and inserting “9 on-time”; and*

10              (3) *in subsection (j)(2), by striking “(e)(3)” and*  
 11 *inserting “(e)(1)(C)”.*

12 **SEC. 465. CANCELLATION FOR PUBLIC SERVICE.**

13       *Section 465(a) (20 U.S.C. 1087ee(a)) is amended—*

14              (1) *in paragraph (2)—*

15                      (A) *by amending subparagraph (A) to read*  
 16 *as follows:*

17                      “(A) *as a full-time teacher for service in an aca-*  
 18 *demic year in a high-need school;”;*

19                      (B) *in subparagraph (B), by striking*  
 20 *“Head Start Act which” and inserting “Head*  
 21 *Start Act, or in a prekindergarten or child care*  
 22 *program that is licensed or regulated by the*  
 23 *State, that”;*

24                      (C) *in subparagraph (H), by striking “or”*  
 25 *after the semicolon;*

1                   (D) in subparagraph (I), by striking the pe-  
2                   riod and inserting a semicolon; and

3                   (E) by inserting before the matter following  
4                   subparagraph (I) the following:

5                   “(J) as a full-time fire fighter for service to a  
6                   local, State, or Federal fire department or fire dis-  
7                   trict;

8                   “(K) as a full-time faculty member at a Tribal  
9                   College or University, as that term is defined in sec-  
10                  tion 316;

11                  “(L) as a librarian, if the librarian has a mas-  
12                  ter’s degree in library science and is employed in—

13                       “(i) an elementary school or secondary  
14                       school that is eligible for assistance under title I  
15                       of the Elementary and Secondary Education Act  
16                       of 1965; or

17                       “(ii) a public library that serves a geo-  
18                       graphic area that contains 1 or more schools eli-  
19                       gible for assistance under title I of the Elemen-  
20                       tary and Secondary Education Act of 1965; or

21                  “(M) as a full-time speech language therapist, if  
22                  the therapist has a master’s degree and is working ex-  
23                  clusively with schools that are eligible for assistance  
24                  under title I of the Elementary and Secondary Edu-  
25                  cation Act of 1965.”; and

1           (2) in paragraph (3)(A)—  
 2           (A) in clause (i)—  
 3           (i) by inserting “(D),” after “(C),”;  
 4           and  
 5           (ii) by striking “or (I)” and inserting  
 6           “(I), (J), (K), (L), or (M)”;  
 7           (B) in clause (ii), by inserting “or” after  
 8           the semicolon;  
 9           (C) by striking clause (iii); and  
 10          (D) by redesignating clause (iv) as clause  
 11          (iii).

12                           **PART F—NEED ANALYSIS**

13   **SEC. 471. COST OF ATTENDANCE.**

14          (a) *AMENDMENTS.*—Section 472(3) (20 U.S.C.  
 15   1087kk(3)) is amended—

16           (1) in subparagraph (B), by striking “and” after  
 17           the semicolon;

18           (2) by redesignating subparagraph (C) as sub-  
 19           paragraph (D); and

20           (3) by inserting after subparagraph (B), as  
 21           amended by paragraph (1), the following:

22                   “(C) for students who live in housing lo-  
 23                   cated on a military base or for which a basic al-  
 24                   lowance is provided under section 403(b) of title  
 25                   37, United States Code, shall be an allowance

1           *based on the expenses reasonably incurred by*  
 2           *such students for board but not for room; and”.*

3           **(b) EFFECTIVE DATE.**—*The amendments made by sub-*  
 4           *section (a) shall take effect on July 1, 2009.*

5           **SEC. 472. DISCRETION TO MAKE ADJUSTMENTS FOR NURS-**  
 6           **ING HOME EXPENSES.**

7           *Section 479A(a) (20 U.S.C. 1087tt) is amended by*  
 8           *striking “medical or dental expenses” and inserting “med-*  
 9           *ical, dental, or nursing home expenses”.*

10          **SEC. 473. DEFINITIONS.**

11          **(a) TOTAL INCOME.**—*Section 480(a) (20 U.S.C.*  
 12          *1087vv(a)) is amended by adding at the end the following*  
 13          *new paragraph:*

14           *“(3) Notwithstanding paragraph (1), with respect to*  
 15          *dislocated workers (as defined in section 101 of the Work-*  
 16          *force Investment Act of 1998 (29 U.S.C. 2801)), the term*  
 17          *‘total income’ is equal to estimated adjusted gross income*  
 18          *plus estimated untaxed income and benefits for the current*  
 19          *tax year minus estimated excludable income (as defined in*  
 20          *subsection (e)) in for the current tax year.”.*

21          **(b) UNTAXED INCOME AND BENEFITS.**—*Section*  
 22          *480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting*  
 23          *“; except that the value of on-base military housing or the*  
 24          *value of basic allowance for housing determined under sec-*  
 25          *tion 403(b) of title 37, United States Code, received by the*

1 *parents, in the case of a dependent student, or the student*  
 2 *or student's spouse, in the case of an independent student,*  
 3 *shall be excluded” before the semicolon.*

4 *(c) TREATMENT OF VETERANS' EDUCATION BENEFITS*  
 5 *IN ESTIMATED FINANCIAL ASSISTANCE CALCULATION.—*  
 6 *Section 480(j) (20 U.S.C. 1087vv(j)) is amended by adding*  
 7 *at the end the following new paragraph:*

8 *“(4) Notwithstanding paragraph (1), for the first year*  
 9 *a student receives veterans' education benefits under chapter*  
 10 *30 of title 38, United States Code, the amount of such vet-*  
 11 *erans' education benefits that is treated as estimated finan-*  
 12 *cial assistance not received under this title for the purposes*  
 13 *of section 471(3) shall be calculated by subtracting the*  
 14 *amount that the student's basic pay was reduced under sec-*  
 15 *tion 3011(b) or 3012(c) of such title in order to be eligible*  
 16 *to receive such benefits from the amount of such veterans'*  
 17 *education benefits.”.*

18 *(d) EFFECTIVE DATE.—The amendments made by this*  
 19 *section are effective on July 1, 2009.*

## 20 **PART G—GENERAL PROVISIONS**

### 21 **SEC. 481. COMPLIANCE CALENDAR.**

22 *Section 482 (20 U.S.C. 1089) is amended by adding*  
 23 *at the end the following:*

24 *“(e) COMPLIANCE CALENDAR.—Prior to the beginning*  
 25 *of each award year, the Secretary shall provide to institu-*

1 tions of higher education a list of all the reports and disclo-  
 2 sures required under this Act. The list shall include—

3 “(1) the date each report or disclosure is required  
 4 to be completed and to be submitted, made available,  
 5 or disseminated;

6 “(2) the required recipients of each report or dis-  
 7 closure;

8 “(3) any required method for transmittal or dis-  
 9 semination of each report or disclosure;

10 “(4) a description of the content of each report  
 11 or disclosure sufficient to allow the institution to  
 12 identify the appropriate individuals to be assigned  
 13 the responsibility for such report or disclosure;

14 “(5) references to the statutory authority, appli-  
 15 cable regulations, and current guidance issued by the  
 16 Secretary regarding each report or disclosure; and

17 “(6) any other information which is pertinent to  
 18 the content or distribution of the report or disclo-  
 19 sure.”.

20 **SEC. 482. IMPROVEMENTS TO PAPER AND ELECTRONIC**  
 21 **FORMS AND PROCESSES.**

22 (a) **COMMON FINANCIAL AID FORM DEVELOPMENT**  
 23 **AND PROCESSING.**—Section 483 (20 U.S.C. 1090) is  
 24 amended—

25 (1) in subsection (a)—



1                   (A) by striking paragraphs (1), (2), and  
2                   (5);

3                   (B) by redesignating paragraphs (3), (4),  
4                   (6), and (7), as paragraphs (9), (10), (11), and  
5                   (12), respectively;

6                   (C) by inserting before paragraph (9), as  
7                   redesignated by subparagraph (B), the following:

8                   “(1) *IN GENERAL.*—*The Secretary, in coopera-*  
9                   *tion with representatives of agencies and organiza-*  
10                  *tions involved in student financial assistance, shall*  
11                  *produce, distribute, and process free of charge com-*  
12                  *mon financial reporting forms as described in this*  
13                  *subsection to be used for application and reapplica-*  
14                  *tion to determine the need and eligibility of a student*  
15                  *for financial assistance under parts A through E*  
16                  *(other than subpart 4 of part A). These forms shall*  
17                  *be made available to applicants in both paper and*  
18                  *electronic formats and shall be referred to as the ‘Free*  
19                  *Application for Federal Student Aid’ or the ‘FAFSA’*  
20                  *. The Secretary shall work to make the FAFSA con-*  
21                  *sumer-friendly and to make questions on the FAFSA*  
22                  *easy for students and parents to read and under-*  
23                  *stand, and shall ensure that the FAFSA is available*  
24                  *in formats accessible to individuals with disabilities.*

25                  “(2) *EARLY ESTIMATES.*—*The Secretary shall—*

1           “(A) permit applicants to enter data in  
2           such forms as described in this subsection in the  
3           years prior to enrollment in order to obtain a  
4           non-binding estimate of the applicant’s family  
5           contribution (as defined in section 473);

6           “(B) permit applicants to update informa-  
7           tion submitted on forms described in this sub-  
8           section, without needing to re-enter previously  
9           submitted information;

10          “(C) develop a means to inform applicants,  
11          in the years prior to enrollment, of student aid  
12          options for individuals in similar financial situ-  
13          ations; and

14          “(D) develop a means to provide a clear  
15          and conspicuous notice that the applicant’s ex-  
16          pected family contribution is subject to change  
17          and may not reflect the final expected family  
18          contribution used to determine Federal student  
19          financial aid award amounts.

20          “(3) PAPER FORMAT.—

21                 “(A) IN GENERAL.—The Secretary shall  
22                 produce, distribute, and process common forms  
23                 in paper format to meet the requirements of  
24                 paragraph (1). The Secretary shall develop a

1           *common paper form for applicants who do not*  
2           *meet the requirements of subparagraph (B).*

3           “(B) *EZ FAFSA.*—

4                   “(i) *IN GENERAL.*—*The Secretary shall*  
5                   *develop and use a simplified paper applica-*  
6                   *tion form, to be known as the EZ FAFSA,*  
7                   *to be used for applicants meeting the re-*  
8                   *quirements of subsections (b) and (c) of sec-*  
9                   *tion 479.*

10                   “(ii) *REDUCED DATA REQUIRE-*  
11                   *MENTS.*—*The EZ FAFSA shall permit an*  
12                   *applicant to submit for financial assistance*  
13                   *purposes, only the data elements required to*  
14                   *make a determination of whether the appli-*  
15                   *cant meets the requirements under sub-*  
16                   *sections (b) and (c) of section 479.*

17                   “(iii) *STATE DATA.*—*The Secretary*  
18                   *shall include on the EZ FAFSA such data*  
19                   *items as may be necessary to award State*  
20                   *financial assistance, as provided under*  
21                   *paragraph (6), except that the Secretary*  
22                   *shall not include a State’s data if that State*  
23                   *does not permit its applicants to use the EZ*  
24                   *FAFSA for State assistance.*

1           “(iv) *FREE AVAILABILITY AND PROC-*  
2           *ESSING.—The provisions of paragraph (7)*  
3           *shall apply to the EZ FAFSA, and the data*  
4           *collected by means of the EZ FAFSA shall*  
5           *be available to institutions of higher edu-*  
6           *cation, guaranty agencies, and States in ac-*  
7           *cordance with paragraph (9).*

8           “(v) *TESTING.—The Secretary shall*  
9           *conduct appropriate field testing on the EZ*  
10          *FAFSA.*

11          “(C) *PROMOTING THE USE OF ELECTRONIC*  
12          *FAFSA.—*

13           “(i) *IN GENERAL.—The Secretary shall*  
14           *make all efforts to encourage all applicants*  
15           *to utilize the electronic forms described in*  
16           *paragraph (4).*

17           “(ii) *MAINTENANCE OF THE FAFSA IN*  
18           *A PRINTABLE ELECTRONIC FILE.—The Sec-*  
19           *retary shall maintain a version of the paper*  
20           *forms described in subparagraphs (A) and*  
21           *(B) in a printable electronic file that is eas-*  
22           *ily portable. The printable electronic file*  
23           *will be made easily accessible and*  
24           *downloadable to students on the same*  
25           *website used to provide students with the*

1           *electronic application forms described in*  
2           *paragraph (4) of this subsection. The Sec-*  
3           *retary shall enable students to submit a*  
4           *form created under this subparagraph that*  
5           *may be downloaded and printed from an*  
6           *electronic file format in order to meet the*  
7           *filing requirements of this section and in*  
8           *order to receive aid from programs under*  
9           *this title.*

10           “(iii) *REPORTING REQUIREMENT.—*  
11           *The Secretary shall report annually to Con-*  
12           *gress on the impact of the digital divide on*  
13           *students completing applications for title IV*  
14           *aid described under this paragraph and*  
15           *paragraph (4). The Secretary will also re-*  
16           *port on the steps taken to eliminate the dig-*  
17           *ital divide and reduce production of the*  
18           *paper form described in subparagraph (A)*  
19           *of this paragraph. The Secretary’s report*  
20           *will specifically address the impact of the*  
21           *digital divide on the following student pop-*  
22           *ulations: independent students, tradition-*  
23           *ally underrepresented students, and depend-*  
24           *ent students.*

25           “(4) *ELECTRONIC FORMAT.—*

1           “(A) *IN GENERAL.*—*The Secretary shall*  
2           *produce, distribute, and process common forms*  
3           *in electronic format to meet the requirements of*  
4           *paragraph (1). The Secretary shall develop com-*  
5           *mon electronic forms for applicants who do not*  
6           *meet the requirements of subparagraph (C) of*  
7           *this paragraph.*

8           “(B) *STATE DATA.*—*The Secretary shall in-*  
9           *clude on the common electronic forms space for*  
10           *information that needs to be entered for the ap-*  
11           *plicant to be eligible for State financial assist-*  
12           *ance, as provided under paragraph (6), except*  
13           *the Secretary shall not require applicants to*  
14           *enter data required by any State other than the*  
15           *applicant’s State of residence.*

16           “(C) *SIMPLIFIED APPLICATIONS: FAFSA ON*  
17           *THE WEB.*—

18           “(i) *IN GENERAL.*—*The Secretary shall*  
19           *develop and use a simplified electronic ap-*  
20           *plication form to be used by applicants*  
21           *meeting the requirements under subsections*  
22           *(b) and (c) of section 479.*

23           “(ii) *REDUCED DATA REQUIRE-*  
24           *MENTS.*—*The simplified electronic applica-*  
25           *tion forms shall permit an applicant to sub-*

1            *mit for financial assistance purposes, only*  
2            *the data elements required to make a deter-*  
3            *mination of whether the applicant meets the*  
4            *requirements under subsection (b) or (c) of*  
5            *section 479.*

6            “(iii) *STATE DATA.—The Secretary*  
7            *shall include on the simplified electronic*  
8            *application forms such data items as may*  
9            *be necessary to award State financial as-*  
10           *sistance, as provided under paragraph (6),*  
11           *except that the Secretary shall not require*  
12           *applicants to enter data required by any*  
13           *State other than the applicant’s State of*  
14           *residence.*

15           “(iv) *AVAILABILITY AND PROC-*  
16           *ESSING.—The data collected by means of the*  
17           *simplified electronic application forms shall*  
18           *be available to institutions of higher edu-*  
19           *cation, guaranty agencies, and States in ac-*  
20           *cordance with paragraph (9).*

21           “(v) *TESTING.—The Secretary shall*  
22           *conduct appropriate field testing on the*  
23           *forms developed under this subparagraph.*

24           “(D) *USE OF FORMS.—Nothing in this sub-*  
25           *section shall be construed to prohibit the use of*

1       the forms developed by the Secretary pursuant to  
2       this paragraph by an eligible institution, eligible  
3       lender, guaranty agency, State grant agency,  
4       private computer software provider, a consor-  
5       tium thereof, or such other entities as the Sec-  
6       retary may designate.

7               “(E) *PRIVACY.*—The Secretary shall ensure  
8       that data collection under this paragraph com-  
9       plies with section 552a of title 5, United States  
10      Code, and that any entity using the electronic  
11      version of the forms developed by the Secretary  
12      pursuant to this paragraph shall maintain rea-  
13      sonable and appropriate administrative, tech-  
14      nical, and physical safeguards to ensure the in-  
15      tegrity and confidentiality of the information,  
16      and to protect against security threats, or unau-  
17      thorized uses or disclosures of the information  
18      provided on the electronic version of the forms.  
19      Data collected by such electronic version of the  
20      forms shall be used only for the application,  
21      award, and administration of aid awarded  
22      under this title, State aid awarded under section  
23      415C, or aid awarded by eligible institutions or  
24      such entities as the Secretary may designate. No  
25      data collected by such electronic version of the



1        *forms shall be used for making final aid awards*  
2        *under this title until such data have been proc-*  
3        *essed by the Secretary or a contractor or designee*  
4        *of the Secretary, except as may be permitted*  
5        *under this title.*

6                *“(F) SIGNATURE.—Notwithstanding any*  
7        *other provision of this Act, the Secretary may*  
8        *permit an electronic form under this paragraph*  
9        *to be submitted without a signature, if a signa-*  
10       *ture is subsequently submitted by the applicant*  
11       *or if the applicant uses a personal identification*  
12       *number provided by the Secretary under sub-*  
13       *paragraph (G) of this paragraph.*

14                *“(G) PERSONAL IDENTIFICATION NUMBERS*  
15       *AUTHORIZED.—The Secretary may assign to ap-*  
16       *plicants personal identification numbers—*

17                *“(i) to enable the applicants to use*  
18        *such numbers in lieu of a signature for pur-*  
19        *poses of completing a form under this para-*  
20        *graph;*

21                *“(ii) to enable the applicants to use*  
22        *such numbers in lieu of a signature for pur-*  
23        *poses of completing forms required by States*  
24        *under section 415C; and*

1                   “(iii) for any purpose determined by  
2                   the Secretary to enable the Secretary to  
3                   carry out this title.

4                   “(H) *PERSONAL IDENTIFICATION NUMBER*  
5                   *IMPROVEMENT.*—The Secretary shall implement  
6                   a real-time data match between the Social Secu-  
7                   rity Administration and the Department to min-  
8                   imize the time required for an applicant to ob-  
9                   tain a personal identification number when ap-  
10                  plying for aid under this title through an elec-  
11                  tronic version of a form developed under this  
12                  paragraph.

13                  “(5) *STREAMLINING.*—

14                  “(A) *STREAMLINED REAPPLICATION PROC-*  
15                  *ESS.*—

16                  “(i) *IN GENERAL.*—The Secretary shall  
17                  develop streamlined reapplication forms  
18                  and processes, including both paper and  
19                  electronic reapplication processes, consistent  
20                  with the requirements of this subsection, for  
21                  an applicant who applies for financial as-  
22                  sistance under this title in the next suc-  
23                  ceeding academic year subsequent to the  
24                  year in which such applicant first applied  
25                  for financial assistance under this title.

1                   “(ii) *MECHANISMS FOR REAPPLICA-*  
2                   *TION.—The Secretary shall develop appro-*  
3                   *priate mechanisms to support reapplica-*  
4                   *tion.*

5                   “(iii) *IDENTIFICATION OF UPDATED*  
6                   *DATA.—The Secretary shall determine, in*  
7                   *cooperation with States, institutions of*  
8                   *higher education, agencies, and organiza-*  
9                   *tions involved in student financial assist-*  
10                  *ance, the data elements that can be updated*  
11                  *from the previous academic year’s applica-*  
12                  *tion.*

13                  “(iv) *REDUCED DATA AUTHORIZED.—*  
14                  *Nothing in this title shall be construed as*  
15                  *limiting the authority of the Secretary to*  
16                  *reduce the number of data elements required*  
17                  *of reapplicants.*

18                  “(v) *ZERO FAMILY CONTRIBUTION.—*  
19                  *Applicants determined to have a zero family*  
20                  *contribution pursuant to section 479(c)*  
21                  *shall not be required to provide any finan-*  
22                  *cial data in a reapplication form, except*  
23                  *that which is necessary to determine eligi-*  
24                  *bility under such section.*

25                  “(B) *REDUCTION OF DATA ELEMENTS.—*

1           “(i) *REDUCTION ENCOURAGED.*—Of the  
2           *number of data elements on the FAFSA on*  
3           *the date of enactment of the College Oppor-*  
4           *tunity and Affordability Act of 2007 (in-*  
5           *cluding questions on the FAFSA for the*  
6           *purposes described in paragraph (6)), the*  
7           *Secretary, in cooperation with representa-*  
8           *tives of agencies and organizations involved*  
9           *in student financial assistance, shall con-*  
10          *tinue to reduce the number of such data ele-*  
11          *ments required to be entered by all appli-*  
12          *cants, with the goal of reducing such num-*  
13          *ber by 50 percent. Reductions of data ele-*  
14          *ments under paragraph (3)(B), (4)(C), or*  
15          *(5)(A)(iv) shall not be counted towards such*  
16          *reduction unless those data elements are re-*  
17          *duced for all applicants.*

18          “(ii) *REPORT.*—*The Secretary shall*  
19          *submit a report on the process of this reduc-*  
20          *tion to each the authorizing committees*  
21          *within 2 years after such date of enactment.*

22          “(6) *STATE REQUIREMENTS.*—

23          “(A) *IN GENERAL.*—*The Secretary shall in-*  
24          *clude on the forms developed under this sub-*  
25          *section, such State-specific nonfinancial data*

1        *items as the Secretary determines are necessary*  
2        *to meet State requirements for need-based State*  
3        *aid under section 415C, except as provided in*  
4        *paragraphs (3)(B)(iii) and (4)(C)(iii) of this*  
5        *subsection. Such items shall be selected in con-*  
6        *sultation with State agencies that submit appli-*  
7        *cations under section 415C in order to assist in*  
8        *the awarding of State financial assistance in ac-*  
9        *cordance with the terms of this subsection, except*  
10       *as provided in paragraphs (3)(B)(iii) and*  
11       *(4)(C)(iii) of this subsection. The number of such*  
12       *data items shall not be less than the number in-*  
13       *cluded on the form for the 2008–2009 academic*  
14       *year, unless a State notifies the Secretary that*  
15       *the State no longer requires those data items for*  
16       *the distribution of State need-based aid.*

17        *“(B) ANNUAL REVIEW.—The Secretary shall*  
18        *conduct an annual review process to determine*  
19        *which forms and nonfinancial data items the*  
20        *States require to award need-based State aid*  
21        *and other application requirements that the*  
22        *States may impose.*

23        *“(C) STATE USE OF SIMPLIFIED FORMS.—*  
24        *The Secretary shall encourage States to take such*  
25        *steps as necessary to encourage the use of sim-*

1        *plified application forms, including those de-*  
 2        *scribed in paragraphs (3)(B) and (4)(C), to meet*  
 3        *the requirements under subsection (b) or (c) of*  
 4        *section 479.*

5                *“(D) FEDERAL REGISTER NOTICE.—The*  
 6        *Secretary shall publish on an annual basis a no-*  
 7        *tice in the Federal Register requiring State agen-*  
 8        *cies to inform the Secretary—*

9                *“(i) if the State agency is unable to*  
 10        *permit applicants to utilize the simplified*  
 11        *application forms described in paragraphs*  
 12        *(3)(B) and (4)(C); and*

13                *“(ii) of the State-specific nonfinancial*  
 14        *data that the State agency requires for de-*  
 15        *livery of State need-based financial aid.*

16                *“(E) STATE NOTIFICATION TO THE SEC-*  
 17        *RETARY.—*

18                *“(i) IN GENERAL.—Each State agency*  
 19        *that submits an application under section*  
 20        *415C shall notify the Secretary—*

21                *“(I) whether the State permits an*  
 22        *applicant to file a form described in*  
 23        *paragraph (3)(B) or (4)(A) of this sub-*  
 24        *section for purposes of determining eli-*

1                   *gibility for State need-based grant aid;*  
2                   *and*

3                   “(II) *the State-specific non-*  
4                   *financial data that the State agency*  
5                   *requires for delivery of State need-*  
6                   *based financial aid.*

7                   “(ii) *ACCEPTANCE OF FORMS.—In the*  
8                   *event that a State does not permit an appli-*  
9                   *cant to file a form described in paragraph*  
10                  *(3)(B) or (4)(A) of this subsection for pur-*  
11                  *poses of determining eligibility for State*  
12                  *need-based grant aid—*

13                  “(I) *the State shall notify the Sec-*  
14                  *retary if the State is not permitted to*  
15                  *do so because of either State law or be-*  
16                  *cause of agency policy; and*

17                  “(II) *the notification under sub-*  
18                  *clause (I) shall include an estimate of*  
19                  *the program cost to permit applicants*  
20                  *to complete simplified application*  
21                  *forms under paragraphs (3)(B) and*  
22                  *(4)(A) of this subsection.*

23                  “(iii) *LACK OF NOTIFICATION BY THE*  
24                  *STATE.—If a State does not notify the Sec-*

retary 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 non-financial 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



1        *through E of this title (other than under subpart*  
2        *4 of part A), except by use of the FAFSA devel-*  
3        *oped by the Secretary pursuant to this sub-*  
4        *section. No data collected on a form for which a*  
5        *fee is charged shall be used to complete the*  
6        *FAFSA.*

7                *“(B) NOTICE.—Any entity that provides to*  
8        *students and parents, or charges students or par-*  
9        *ents for, any value-added services with respect to*  
10       *or in connection with the FAFSA, such as com-*  
11       *pletion of the FAFSA, submission of the FAFSA,*  
12       *or tracking of the FAFSA for a student, shall*  
13       *provide to students and parents clear and con-*  
14       *spicuous notice that—*

15                *“(i) the FAFSA is a free Federal stu-*  
16       *dent aid application;*

17                *“(ii) the FAFSA can be completed*  
18       *without professional assistance; and*

19                *“(iii) includes the current Internet ad-*  
20       *dress for the FAFSA on the Department’s*  
21       *web site.*

22                *“(8) APPLICATION PROCESSING CYCLE.—The*  
23       *Secretary shall enable students to submit a form cre-*  
24       *ated under this subsection in order to meet the filing*  
25       *requirements of this section and in order to receive*

1       aid from programs under this title and shall initiate  
2       the processing of applications under this subsection as  
3       early as practicable prior to October 15 of the year  
4       prior to the student's planned year of enrollment.”;

5               (2) by adding at the end of subsection (a) the fol-  
6       lowing paragraph:

7               “(13) *EARLY APPLICATION AND AWARD DEM-*  
8       *ONSTRATION PROGRAM.*—

9               “(A) *PROGRAM REQUIRED.*—*The Secretary*  
10       *shall, no later than two years after the date of*  
11       *the enactment of the College Opportunity and Af-*  
12       *fordability Act of 2007, implement an early ap-*  
13       *plication demonstration program enabling de-*  
14       *pendent students to—*

15               “(i) complete applications under this  
16       subsection in such students' junior year of  
17       secondary school, or in the academic year  
18       that is 2 years prior to such students' in-  
19       tended year of enrollment at an institution  
20       of higher education;

21               “(ii) receive an estimate of such stu-  
22       dents' financial aid awards;

23               “(iii) update, in the year prior to such  
24       students' planned year of enrollment, the  
25       information contained in an application

1           *submitted under clause (i), using the process*  
2           *described in paragraph (5) to determine*  
3           *such students' final financial aid awards;*  
4           *and*

5           *“(iv) receive final financial aid awards*  
6           *based on updated information described in*  
7           *clause (iii).*

8           *“(B) PURPOSE AND OBJECTIVES.—The pur-*  
9           *pose of the demonstration program under this*  
10          *paragraph shall be to measure the benefits, in*  
11          *terms of student aspirations and plans to attend*  
12          *college, and the adverse effects, in terms of pro-*  
13          *gram costs, integrity, distribution, and delivery*  
14          *of aid under this title, of implementing an early*  
15          *application system for all dependent students*  
16          *that allows dependent students to apply for fi-*  
17          *nancial aid using information from the year*  
18          *prior to the year prior to enrollment. Additional*  
19          *objectives associated with implementation of the*  
20          *demonstration program are the following:*

21           *“(i) Measure the feasibility of enabling*  
22           *dependent students to apply for Federal,*  
23           *State, and institutional financial aid in*  
24           *their junior year of high school, using infor-*  
25           *mation from the year prior to the year*

1 prior to enrollment, by completing any of  
2 the application forms under this subsection.

3 “(ii) Identify whether receiving final  
4 financial aid awards no later than the fall  
5 of the senior year provides students with  
6 additional time to compete for the limited  
7 resources available for State and institu-  
8 tional financial aid and positively impacts  
9 the college aspirations and plans of these  
10 students.

11 “(iii) Measure the impact of using in-  
12 come information from the years prior to  
13 enrollment on—

14 “(I) eligibility for financial aid  
15 under this title and for other State and  
16 institutional aid; and

17 “(II) the cost of financial aid pro-  
18 grams under this title.

19 “(iv) Effectively evaluate the benefits  
20 and adverse effects of the demonstration  
21 program on program costs, integrity, dis-  
22 tribution, and delivery of aid.

23 “(C) PARTICIPANTS.—The Secretary shall  
24 select States and institutions within those States  
25 to participate in the demonstration program

1        *under this paragraph that are participating in*  
2        *the programs under this title and that are will-*  
3        *ing to make final financial aid awards to stu-*  
4        *dents based on their application information*  
5        *from the year prior to the year prior to enroll-*  
6        *ment. The Secretary shall also select as partici-*  
7        *pants in the demonstration program secondary*  
8        *schools and dependent students that are located*  
9        *in the participating States.*

10            “(D) *APPLICATION PROCESS.—The Sec-*  
11            *retary shall insure that the following provisions*  
12            *are included in the demonstration program:*

13                    “(i) *Participating States and institu-*  
14                    *tions shall—*

15                            “(I) *encourage participating stu-*  
16                            *dents to apply for estimates of finan-*  
17                            *cial aid awards as provided under this*  
18                            *title in such students’ junior year of*  
19                            *secondary school, or in the academic*  
20                            *year that is 2 years prior to such stu-*  
21                            *dents’ intended year of enrollment at*  
22                            *an institution of higher education,*  
23                            *using the most recent information*  
24                            *available; and*

1                   “(II) *make final financial aid*  
2                   *awards to participating students based*  
3                   *on the updated information contained*  
4                   *on a form submitted using the process*  
5                   *described in paragraph (5).*

6                   “(ii) *Financial aid administrators at*  
7                   *participating institutions shall be allowed*  
8                   *to use their discretion in awarding finan-*  
9                   *cial aid to participating students, as out-*  
10                  *lined under section 479A and section*  
11                  *480(d)(7).*

12                  “(E) *EVALUATION.—The Secretary shall*  
13                  *conduct a rigorous evaluation of this demonstra-*  
14                  *tion program in order to measure its benefits*  
15                  *and adverse effects as indicated under subpara-*  
16                  *graph (A).*

17                  “(F) *OUTREACH.—The Secretary shall*  
18                  *make appropriate efforts in order to notify*  
19                  *States of the demonstration program under this*  
20                  *paragraph. Upon determination of participating*  
21                  *States, the Secretary shall continue to make ef-*  
22                  *forts to notify institutions and dependent stu-*  
23                  *dents within participating States of the oppor-*  
24                  *tunity to participate in the demonstration pro-*  
25                  *gram and of the participation requirements.*

1                   “(G) *CONSULTATION*.—*The Secretary shall*  
 2                   *consult with the Advisory Committee on Student*  
 3                   *Financial Assistance, established under section*  
 4                   *491, on the design and implementation of the*  
 5                   *demonstration program and on the evaluation*  
 6                   *described in subparagraph (E).”;*

7                   *(3) by striking subsection (b); and*

8                   *(4) by redesignating subsections (c), (d), and (e)*  
 9                   *as subsections (b), (c), and (d), respectively.*

10                  **(b) MASTER CALENDAR.**—*Section 482(a)(1) (20*  
 11                  *U.S.C. 1089(a)(1)) is amended by striking subparagraphs*  
 12                  *(B) and (C) and inserting the following:*

13                         “(B) *by March 1: proposed modifications,*  
 14                         *updates, and notices pursuant to sections 478*  
 15                         *and 483(a)(6) published in the Federal Register;*

16                         “(C) *by June 1: final modifications, up-*  
 17                         *dates, and notices pursuant to sections 478 and*  
 18                         *483(a)(6) published in the Federal Register;”.*

19                  **(c) MODEL INSTITUTION FINANCIAL AID OFFER**  
 20                  **FORM.**—

21                         **(1) REPORT AND MODEL FORMAT.**—*Not later*  
 22                         *than 1 year after the date of enactment of the College*  
 23                         *Opportunity and Affordability Act of 2007, the Sec-*  
 24                         *retary shall—*

1           (A) prepare a report on the adequacy of the  
2           financial aid offer forms provided by institutions  
3           of higher education to students and the parents  
4           of such students, after consulting with—

5                   (i) students;

6                   (ii) parents of students;

7                   (iii) representatives of institutions of  
8           higher education (including financial aid  
9           administrators, registrars, and business of-  
10          ficers); and

11                  (iv) consumer groups that receive no  
12          commercial or institution of higher edu-  
13          cation support;

14          (B) include in the report a model format for  
15          financial aid offer forms that—

16                   (i) is based on the report's findings;

17                  and

18                   (ii) includes the information described  
19          in paragraph (2); and

20          (C)(i) submit the report and model format  
21          to the authorizing committees (as defined in sec-  
22          tion 103 of the Higher Education Act of 1965  
23          (20 U.S.C. 1003); and



1           (ii) make the report and model format  
2           available to institutions of higher education,  
3           lenders, and the public.

4           (2) *MODEL FORMAT CONTENTS.*—The model fi-  
5           nancial aid offer format developed under paragraph  
6           (1) shall present, in a consumer-friendly manner, the  
7           following information:

8                   (A) The student's cost of attendance for the  
9                   year for which the institution of higher edu-  
10                  cation is issuing the financial aid offer form, in-  
11                  cluding the actual or estimated costs included in  
12                  the cost of attendance for such year for each of  
13                  the following:

14                           (i) Tuition and fees.

15                           (ii) Room and board costs.

16                           (iii) Books and supplies.

17                           (iv) Transportation.

18                   (B) The amount of financial aid that the  
19                   student does not have to repay, such as scholar-  
20                   ships and grants, offered to the student for such  
21                   year.

22                   (C) The conditions under which the finan-  
23                   cial aid described in subparagraph (B) is renew-  
24                   able each year.

1           (D) *The amount of work-study assistance*  
2           *offered to the student for such year, and the con-*  
3           *ditions under which the student has to fulfill the*  
4           *work-study assistance.*

5           (E) *The types and amounts of loans under*  
6           *part B, D, or E of title IV for which the student*  
7           *is eligible for such year, and the interest rate,*  
8           *loan term, monthly repayment amount, and*  
9           *total repayment amount of each such loan.*

10          (F) *The types and amounts of loans under*  
11          *428B or Federal Direct PLUS loans under sec-*  
12          *tion 455 for which a parent of the student is eli-*  
13          *gible for such year, and the interest rate, loan*  
14          *term, monthly repayment amount, and total re-*  
15          *payment amount of each such loan.*

16          (G) *The net amount that the student or the*  
17          *student's parent will have to pay to attend the*  
18          *institution for such year, which amount shall be*  
19          *the difference between—*

20                 (i) *the cost of attendance for the stu-*  
21                 *dent for such year; less*

22                 (ii) *the amount of financial aid offered*  
23                 *by the covered institution in the financial*  
24                 *aid offer form.*

1                   (H) Where a student or the student's parent  
 2                   can seek additional information regarding the fi-  
 3                   nancial aid offered.

4                   (I) Any other information the Secretary de-  
 5                   termines necessary so that students and parents  
 6                   can make informed student loan borrowing deci-  
 7                   sions.

8   **SEC. 483. INCREASING ACCESS TO TECHNOLOGY.**

9           Section 483 (20 U.S.C. 1087ss) is further amended by  
 10 adding at the end the following:

11           “(e) ADDRESSING THE DIGITAL DIVIDE.—The Sec-  
 12 retary shall utilize savings accrued by moving more appli-  
 13 cants to the electronic forms described in subsection (a)(4)  
 14 to improve access to the electronic forms described in sub-  
 15 section (a)(4) for applicants meeting the requirements of  
 16 section 479(b) or (c).”.

17   **SEC. 484. SENSE OF THE CONGRESS; REPORT.**

18           (a) SENSE OF CONGRESS.—It is the sense of the Con-  
 19 gress that—

20                   (1) in order to simplify the Free Application for  
 21           Federal Student Aid (FAFSA), which serves as an  
 22           entry point for the scholarships, grants, loans, and  
 23           work-study assistance that make it possible for mil-  
 24           lions of students to attend college, the Secretary of  
 25           Education and the Secretary of the Treasury should

1       *work together to develop a process by which the De-*  
2       *partment of Education will, with the aid applicant's*  
3       *permission, draw income information directly from*  
4       *the Internal Revenue Service for the purpose of com-*  
5       *pleting the EZ FAFSA, the FAFSA, and FAFSA re-*  
6       *newal applications and providing early estimates of*  
7       *aid eligibility; and*

8               *(2) this process would—*

9                       *(A) ease the burden of reporting income-re-*  
10                      *lated information for applicants;*

11                     *(B) increase the efficiency, accuracy, and*  
12                      *security of the FAFSA filing process;*

13                     *(C) significantly reduce the need for further*  
14                      *verification by the Department of Education, in-*  
15                      *stitutions, and applicants; and*

16                     *(D) protect the security, privacy, and safety*  
17                      *of all data used in the FAFSA filing process.*

18       *(b) REPORT.—The Secretary of Education shall, with-*  
19       *in one year after the date of enactment of this Act—*

20                     *(1) provide the Congress with information on the*  
21                      *progress in devising the simplified process described*  
22                      *in subsection (a); and*

23                     *(2) inform the Congress of any necessary statu-*  
24                      *tory changes for the purpose of increasing the effi-*

1        *ciency and effectiveness of the FAFSA application*  
2        *process.*

3        **SEC. 485. STUDENT ELIGIBILITY.**

4        *(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is*  
5        *amended—*

6                *(1) in subsection (a)—*

7                        *(A) in paragraph (4)(B), by striking “the*  
8                        *Republic of the Marshall Islands, the Federated*  
9                        *States of Micronesia, or”; and*

10                      *(B) in paragraph (5), by striking “a citizen*  
11                      *of any one of the Freely Associated States” and*  
12                      *inserting “or, to the extent described in sub-*  
13                      *section (j), a citizen of the Republic of Palau”;*

14                *(2) by amending subsection (j) to read as follows:*

15        *“(j) ASSISTANCE UNDER SUBPART 1 OF PART A FOR*  
16        *STUDENTS FROM PALAU.—Notwithstanding any other pro-*  
17        *vision of law, a student shall be eligible until September*  
18        *30, 2009, for assistance under subpart 1 of part A if the*  
19        *student is otherwise qualified and—*

20                *“(1) is a citizen of the Republic of Palau and at-*  
21        *tends an institution of higher education in a State or*  
22        *a public or nonprofit private institution of higher*  
23        *education in the Freely Associated States; or*

24                *“(2) meets the requirements of subsection (a)(5)*  
25        *and attends a public or nonprofit private institution*

1       *of higher education in any one of the Freely Associ-*  
 2       *ated States.”;*

3               *(3) by striking subsection (l) and inserting the*  
 4       *following:*

5       “(l) *COURSES OFFERED THROUGH DISTANCE EDU-*  
 6       *CATION.—*

7               “(1)     *RELATION       TO       CORRESPONDENCE*  
 8       *COURSES.—*

9               “(A) *IN GENERAL.—A student enrolled in a*  
 10       *course of instruction at an institution of higher*  
 11       *education that is offered principally through dis-*  
 12       *tance education and leads to a recognized certifi-*  
 13       *cate, or associate, baccalaureate, or graduate de-*  
 14       *gree, conferred by such institution, shall not be*  
 15       *considered to be enrolled in correspondence*  
 16       *courses.*

17               “(B) *EXCEPTION.—An institution of higher*  
 18       *education referred to in subparagraph (A) shall*  
 19       *not include an institution or school described in*  
 20       *section 3(3)(C) of the Carl D. Perkins Career*  
 21       *and Technical Education Act of 2006.*

22               “(2) *RESTRICTION OR REDUCTIONS OF FINAN-*  
 23       *CIAL AID.—A student’s eligibility to receive grants,*  
 24       *loans, or work assistance under this title shall be re-*  
 25       *duced if a financial aid officer determines under the*

1       *discretionary authority provided in section 479A that*  
2       *distance education results in a substantially reduced*  
3       *cost of attendance to such student.*

4               “(3) *SPECIAL RULE.—For award years prior to*  
5       *July 1, 2008, the Secretary shall not take any compli-*  
6       *ance, disallowance, penalty, or other action against a*  
7       *student or an eligible institution when such action*  
8       *arises out of such institution’s prior award of student*  
9       *assistance under this title if the institution dem-*  
10       *onstrates to the satisfaction of the Secretary that its*  
11       *course of instruction would have been in conformance*  
12       *with the requirements of this subsection.”;*

13               *(4) in subsection (r)(2)—*

14                       *(A) in subparagraph (A), by striking “or”*  
15                       *at the end of clause (ii);*

16                       *(B) by redesignating subparagraph (B) as*  
17                       *subparagraph (C); and*

18                       *(C) by inserting after subparagraph (A) the*  
19                       *following new subparagraph:*

20                       *“(B) the student successfully passes two un-*  
21                       *announced drug tests conducted by a drug reha-*  
22                       *bilitation program that complies with such cri-*  
23                       *teria as the Secretary shall prescribe in regula-*  
24                       *tions for purposes of subparagraph (A)(i); or”;*  
25                       *and*

1           (5) *by adding at the end the following:*

2           “(s) *STUDENTS WITH INTELLECTUAL DISABILITIES.*—

3           “(1) *IN GENERAL.*—*Notwithstanding subsections*  
4           *(a), (c), and (d), in order to receive any grant or*  
5           *work assistance under section 401 and subpart 3 of*  
6           *part A and part C of this title, a student with an in-*  
7           *tellectual disability shall—*

8           “(A) *be an individual with an intellectual*  
9           *disability whose mental retardation or other sig-*  
10           *nificant cognitive impairment substantially im-*  
11           *pacts the individual’s intellectual and cognitive*  
12           *functioning;*

13           “(B)(i) *be a student eligible for assistance*  
14           *under the Individuals with Disabilities Edu-*  
15           *cation Act who has completed secondary school;*  
16           *or*

17           “(ii) *be an individual who was, but is no*  
18           *longer, eligible for assistance under the Individ-*  
19           *uals with Disabilities Education Act because the*  
20           *individual has exceeded the maximum age for*  
21           *which the State provides a free appropriate pub-*  
22           *lic education;*

23           “(C) *be enrolled or accepted for enrollment*  
24           *in a comprehensive transition and postsecondary*  
25           *education program that—*



1           “(i) is designed to support students  
2           with an intellectual disability who are seek-  
3           ing to continue academic, vocational, and  
4           independent living instruction at the insti-  
5           tution in order to prepare for gainful em-  
6           ployment and independent living;

7           “(ii) includes an advising and cur-  
8           riculum structure; and

9           “(iii) requires students to participate  
10          on at least a half-time basis, as determined  
11          by the institution, including—

12               “(I) regular enrollment in courses  
13               offered by the institution;

14               “(II) auditing or participating in  
15               courses offered by the institution for  
16               which the student does not receive reg-  
17               ular academic credit;

18               “(III) enrollment in noncredit,  
19               nondegree courses;

20               “(IV) participation in intern-  
21               ships; or

22               “(V) a combination of 2 or more  
23               of the activities described in clauses (i)  
24               through (iv);

1           “(D) be maintaining satisfactory progress  
2           in the program as determined by the institution,  
3           in accordance with standards established by the  
4           institution; and

5           “(E) meet the requirements of paragraphs  
6           (3), (4), (5), and (6) of subsection (a).

7           “(2) REGULATIONS.—Notwithstanding rules ap-  
8           plicable to grant or work assistance awards made  
9           under section 401 of part A, subpart 3 of part A, and  
10          part C of this title, including with respect to eligible  
11          programs, instructional time, credit status, and en-  
12          rollment status as described in section 481, the Sec-  
13          retary shall promulgate regulations allowing pro-  
14          grams enrolling students with intellectual disabilities  
15          otherwise determined to be eligible under this sub-  
16          section to receive such awards.

17          “(t) DATA ANALYSIS ON ACCESS TO FEDERAL STU-  
18          DENT AID FOR CERTAIN POPULATIONS.—

19               “(1) DEVELOPMENT OF THE SYSTEM.—Within  
20               one year of enactment of the College Opportunity and  
21               Affordability Act of 2007, the Secretary shall, in con-  
22               sultation with the Central Processing System, analyze  
23               data from the FAFSA containing information regard-  
24               ing the number, characteristics, and circumstances of

1        *students denied Federal student aid based on a drug*  
 2        *conviction while receiving Federal aid.*

3            “(2) *RESULTS FROM ANALYSIS.*—*The results*  
 4        *from the analysis of such information shall be made*  
 5        *available on a continuous basis via the Department*  
 6        *of Education website and the Digest of Education and*  
 7        *Statistics.*

8            “(3) *DATA UPDATING.*—*The data analyzed under*  
 9        *this subsection shall be updated at the beginning of*  
 10       *each award year and at least one additional time*  
 11       *during such award year.*

12           “(4) *REPORT TO CONGRESS.*—*The Secretary*  
 13        *shall prepare and submit to the authorizing commit-*  
 14        *tees of the Congress, in each fiscal year, a report de-*  
 15        *scribing the results obtained by the establishment and*  
 16        *operation of the data system authorized by this sub-*  
 17        *section.”.*

18        (b) *EFFECTIVE DATE.*—*The amendments made by this*  
 19        *section shall take affect on July 1, 2009.*

20        **SEC. 486. ASSESSMENT OF COSTS AND OTHER CHARGES.**

21        *Section 484A(b) (20 U.S.C. 1091a(b)) is amended—*

22            (1) *by striking “and” at the end of paragraph*  
 23        (1);

24            (2) *by striking the period at the end of para-*  
 25        *graph (2) and inserting “; and”; and*

1           (3) by adding at the end the following new para-  
2       graph:

3           “(3) in collecting any obligation arising from a  
4       loan made under part E of this title, an institution  
5       of higher education that has an agreement with the  
6       Secretary pursuant to section 463(a) shall not be sub-  
7       ject to a defense raised by any borrower based on a  
8       claim of infancy.”.

9   **SEC.    487.    READMISSION    REQUIREMENTS    FOR**  
10                               **SERVICEMEMBERS.**

11       Section 484B(a)(2) (20 U.S.C. 1091b(a)(2)) is amend-  
12   ed by adding at the end the following new subparagraph:

13                       “(C) *READMISSION REQUIREMENTS FOR*  
14                       *SERVICEMEMBERS.—Any institution of higher*  
15                       *education that requires any student—*

16                               “(i) *who is a member of the Armed*  
17                               *Forces of the United States, or a member of*  
18                               *such Armed Forces in a retired status, in-*  
19                               *cluding members of the National Guard or*  
20                               *other reserve component,*

21                               “(ii) *who is on active duty, or is called*  
22                               *or ordered to active duty (as defined in sec-*  
23                               *tion 481(d)), and*

24                               “(iii) *whose attendance at such institu-*  
25                               *tion is interrupted by such active duty,*

1           to apply for readmission to such institution of  
 2           higher education after the conclusion of such ac-  
 3           tive duty shall submit to the Secretary a state-  
 4           ment justifying such requirement.”.

5   **SEC. 488. INSTITUTIONAL AND FINANCIAL ASSISTANCE IN-**  
 6           **FORMATION FOR STUDENTS.**

7           (a) *DISCLOSURE OF POLICIES AND SANCTIONS RE-*  
 8   *LATED TO COPYRIGHT INFRINGEMENT.*—Section 485(a)(1)  
 9   (20 U.S.C. 1092(a)(1)) is amended—

10           (1) by striking “and” at the end of subpara-  
 11          graph (N);

12           (2) by striking the period at the end of subpara-  
 13          graph (O) and inserting “; and” ; and

14           (3) by adding at the end the following new sub-  
 15          paragraph:

16                   “(P) institutional policies and sanctions re-  
 17                  lated to copyright infringement, including—

18                           “(i) an annual disclosure that explic-  
 19                           itly informs students that unauthorized dis-  
 20                           tribution of copyrighted material, including  
 21                           unauthorized peer-to-peer file sharing, may  
 22                           subject the students to civil and criminal li-  
 23                           abilities;

24                           “(ii) a summary of the penalties for  
 25                           violation of Federal copyright laws;

1           “(iii) a description of the institution’s  
 2           policies with respect to unauthorized peer-  
 3           to-peer file sharing, including disciplinary  
 4           actions that are taken against students who  
 5           engage in unauthorized distribution of  
 6           copyrighted materials using the institution’s  
 7           information technology system; and

8           “(iv) a description of actions that the  
 9           institution takes to prevent and detect un-  
 10          authorized distribution of copyrighted mate-  
 11          rial on the institution’s information tech-  
 12          nology system.”.

13       (b) *CRIMINAL OFFENSES REPORTED.*—Section

14 485(f)(1) (20 U.S.C. 1092(f)(1)) is amended—

15           (1) in the matter preceding subparagraph (A),  
 16           by inserting “, other than a foreign institution of  
 17           higher education,” after “under this title”; and

18           (2) in subparagraph (F)—

19               (A) by striking clause (i) and inserting the  
 20               following:

21                   “(i) of the following criminal offenses  
 22                   reported to campus security authorities or  
 23                   local police agencies:

24                       “(I) murder;

1                   “(II) *sex offenses, forcible or non-*  
2                   *forcible;*

3                   “(III) *robbery;*

4                   “(IV) *aggravated assault;*

5                   “(V) *intimidation;*

6                   “(VI) *burglary;*

7                   “(VII) *larceny-theft;*

8                   “(VIII) *motor vehicle theft;*

9                   “(IX) *destruction, damage, or*  
10                  *vandalism of property;*

11                  “(X) *simple assault;*

12                  “(XI) *manslaughter;*

13                  “(XII) *arson; and*

14                  “(XIII) *arrests or persons referred*  
15                  *for campus disciplinary action for liq-*  
16                  *uor law violations, drug-related viola-*  
17                  *tions, and weapons possession; and”;*  
18                  *and*

19                  *(B) in clause (ii), by striking “of the crimes*  
20                  *described in subclauses (I) through (VIII)” and*  
21                  *inserting “for degree-granting institutions only,*  
22                  *of the crimes described in subclauses (I) through*  
23                  *(XII)”;* *and*

24                  *(3) by adding at the end the following new sub-*  
25                  *paragraph:*

1           “(J) A statement of current campus policies  
2           regarding immediate emergency response and  
3           evacuation procedures, including the use of elec-  
4           tronic and cellular communication (if appro-  
5           priate), which shall include procedures—

6                   “(i) to notify the campus community  
7                   in not more than 30 minutes in the event  
8                   of a significant emergency or dangerous sit-  
9                   uation, involving an immediate threat to  
10                  the health or safety of students or staff, oc-  
11                  curring on the campus, in or on noncampus  
12                  buildings or property, and on public prop-  
13                  erty;

14                  “(ii) to publicize emergency response  
15                  and evacuation procedures on an annual  
16                  basis in a manner designed to reach stu-  
17                  dents and staff; and

18                  “(iii) to test emergency response and  
19                  evacuation procedures on an annual basis.”.

20           (c) *ADDITIONAL AMENDMENT.*—Section 485(f) is fur-  
21           ther amended—

22                   (1) by redesignating paragraph (15) as para-  
23                   graph (18); and

24                   (2) by inserting after paragraph (14) the fol-  
25                   lowing:



1           “(15) *COMPLIANCE REPORT.*—*The Secretary*  
2           *shall annually report to the authorizing committees*  
3           *regarding compliance with this subsection by institu-*  
4           *tions of higher education, including an up-to-date re-*  
5           *port on the Secretary’s monitoring of such compli-*  
6           *ance.*

7           “(16) *BEST PRACTICES.*—*The Secretary may*  
8           *seek the advice and counsel of the Attorney General*  
9           *concerning the development, and dissemination to in-*  
10          *stitutions of higher education, of best practices infor-*  
11          *mation about campus safety and emergencies.*

12          “(17) *RETALIATION PROHIBITED.*—*No partici-*  
13          *parting institution or officer, employee, or agent of the*  
14          *institution shall intimidate, threaten, coerce, or other-*  
15          *wise discriminate against any individual for the pur-*  
16          *pose of interfering with the implementation of any*  
17          *provision of this subsection, or any rights or privi-*  
18          *leges accorded under this subsection, or because the*  
19          *individual has complained, testified, assisted, or oth-*  
20          *erwise participated in any aspect of an investigation,*  
21          *proceeding, or hearing.”.*

22          “(d) *ADDITIONAL REQUIREMENTS.*—*Section 485 (20*  
23          *U.S.C. 1092) is amended by adding at the end the following*  
24          *new subsections:*

25          “(h) *TRANSFER OF CREDIT POLICIES.*—

1           “(1) *DISCLOSURE.*—*Each institution of higher*  
2           *education participating in any program under this*  
3           *title shall publicly disclose in a readable and com-*  
4           *prehensible manner the transfer of credit policies es-*  
5           *tablished by the institution which shall include a*  
6           *statement of the institution’s current transfer of credit*  
7           *policies that includes, at a minimum—*

8                     “(A) *any established criteria the institution*  
9                     *uses regarding the transfer of credit earned at*  
10                    *another institution of higher education; and*

11                   “(B) *a list of institutions of higher edu-*  
12                    *cation with which the institution has established*  
13                    *an articulation agreement.*

14           “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*  
15           *subsection shall be construed to—*

16                   “(A) *authorize the Secretary or the National*  
17                    *Advisory Committee on Institutional Quality*  
18                    *and Integrity to require particular policies, pro-*  
19                    *cedures, or practices by institutions of higher*  
20                    *education with respect to transfer of credit;*

21                   “(B) *authorize an officer or employee of the*  
22                    *Department to exercise any direction, super-*  
23                    *vision, or control over the curriculum, program*  
24                    *of instruction, administration, or personnel of*

1           *any institution of higher education, or over any*  
2           *accrediting agency or association;*

3           “(C) *limit the application of the General*  
4           *Education Provisions Act; or*

5           “(D) *create any legally enforceable right on*  
6           *the part of a student to require an institution of*  
7           *higher education to accept a transfer of credit*  
8           *from another institution.*

9           “(i) *DISCLOSURE OF FIRE SAFETY STANDARDS AND*  
10          *MEASURES.—*

11           “(1) *ANNUAL FIRE SAFETY REPORTS ON STU-*  
12          *DENT HOUSING REQUIRED.—Each eligible institution*  
13          *participating in any program under this title that*  
14          *maintains on-campus student housing facilities shall,*  
15          *on an annual basis, publish a fire safety report,*  
16          *which shall contain information with respect to the*  
17          *campus fire safety practices and standards of that in-*  
18          *stitution, including—*

19           “(A) *statistics concerning the following in*  
20          *each on-campus student housing facility during*  
21          *the most recent calendar years for which data*  
22          *are available:*

23           “(i) *the number of fires and the cause*  
24          *of each fire;*

1                   “(ii) the number of injuries related to  
2                   a fire that result in treatment at a medical  
3                   facility;

4                   “(iii) the number of deaths related to a  
5                   fire; and

6                   “(iv) the value of property damage  
7                   caused by a fire;

8                   “(B) a description of each on-campus stu-  
9                   dent housing facility fire safety system, includ-  
10                  ing the fire sprinkler system;

11                  “(C) the number of regular mandatory su-  
12                  pervised fire drills;

13                  “(D) policies or rules on portable electrical  
14                  appliances, smoking, and open flames (such as  
15                  candles), procedures for evacuation, and policies  
16                  regarding fire safety education and training pro-  
17                  grams provided to students, faculty, and staff;  
18                  and

19                  “(E) plans for future improvements in fire  
20                  safety, if determined necessary by such institu-  
21                  tion.

22                  “(2) REPORT TO THE SECRETARY.—Each eligi-  
23                  ble institution participating in any program under  
24                  this title shall, on an annual basis submit to the Sec-

1        *retary a copy of the statistics required to be made*  
2        *available under subparagraph (A).*

3                *“(3) CURRENT INFORMATION TO CAMPUS COMMU-*  
4        *NITY.—Each institution participating in any pro-*  
5        *gram under this title shall—*

6                *“(A) make, keep, and maintain a log, re-*  
7        *cording all fires in on-campus student housing*  
8        *facilities, including the nature, date, time, and*  
9        *general location of each fire; and*

10               *“(B) make annual reports to the campus*  
11        *community on such fires.*

12               *“(4) RESPONSIBILITIES OF THE SECRETARY.—*  
13        *The Secretary shall—*

14               *“(A) make such statistics submitted to the*  
15        *Secretary available to the public; and*

16               *“(B) in coordination with nationally recog-*  
17        *nized fire organizations and representatives of*  
18        *institutions of higher education, representatives*  
19        *of associations of institutions of higher edu-*  
20        *cation, and other organizations that represent*  
21        *and house a significant number of students—*

22               *“(i) identify exemplary fire safety poli-*  
23        *cies, procedures, programs, and practices;*

1                   “(ii) disseminate information to the  
2                   Administrator of the United States Fire Ad-  
3                   ministration;

4                   “(iii) make available to the public in-  
5                   formation concerning those policies, proce-  
6                   dures, programs, and practices that have  
7                   proven effective in the reduction of fires;  
8                   and

9                   “(iv) develop a protocol for institutions  
10                  to review the status of their fire safety sys-  
11                  tems.

12                 “(5) RULES OF CONSTRUCTION.—Nothing in this  
13                 subsection shall be construed to—

14                 “(A) authorize the Secretary to require par-  
15                 ticular policies, procedures, programs, or prac-  
16                 tices by institutions of higher education with re-  
17                 spect to fire safety, other than with respect to the  
18                 collection, reporting, and dissemination of infor-  
19                 mation required by this subsection;

20                 “(B) affect the Family Educational Rights  
21                 and Privacy Act of 1974 or the regulations  
22                 issued under section 264 of the Health Insurance  
23                 Portability and Accountability Act of 1996 (42  
24                 U.S.C. 1320d–2 note);

1           “(C) create a cause of action against any  
2           institution of higher education or any employee  
3           of such an institution for any civil liability; or

4           “(D) establish any standard of care.

5           “(6) COMPLIANCE REPORT.—The Secretary shall  
6           annually report to the authorizing committees regard-  
7           ing compliance with this subsection by institutions of  
8           higher education, including an up-to-date report on  
9           the Secretary’s monitoring of such compliance.

10          “(7) EVIDENCE.—Notwithstanding any other  
11          provision of law, evidence regarding compliance or  
12          noncompliance with this subsection shall not be ad-  
13          missible as evidence in any proceeding of any court,  
14          agency, board, or other entity, except with respect to  
15          an action to enforce this subsection.

16          “(8) RETALIATION PROHIBITED.—No partici-  
17          pating institution or officer, employee, or agent of the  
18          institution shall intimidate, threaten, coerce, or other-  
19          wise discriminate against any individual for the pur-  
20          pose of interfering with the implementation of any  
21          provision of this subsection, or any rights or privi-  
22          leges accorded under this subsection, or because the  
23          individual has complained, testified, assisted, or oth-  
24          erwise participated in any aspect of an investigation,  
25          proceeding, or hearing.

1       “(j) *MISSING PERSON PROCEDURES.*—

2               “(1) *FORM AND PROTOCOLS.*—*Each institution*  
3       *of higher education participating in any program*  
4       *under this title shall—*

5               “(A) *include on its form for registration or*  
6       *enrollment of students an item in which the stu-*  
7       *dent can elect to identify an individual to be no-*  
8       *tified and police to be notified by the university*  
9       *within 24 hours of when a student is reported*  
10       *missing to the university, and*

11              “(B) *establish protocols for missing students*  
12       *that—*

13              “(i) *require any missing person report*  
14       *relating to any student be referred to the in-*  
15       *stitution’s police or campus security depart-*  
16       *ment; and*

17              “(ii) *if, on investigation of the report,*  
18       *such department determines that the miss-*  
19       *ing person has been missing for more than*  
20       *24 hours, require—*

21              “(I) *such department to refer to*  
22       *the item on the registration document*  
23       *required under subparagraph (A) and*  
24       *contact the individual named by the*  
25       *student in such item; and*



1                   “(II) if the student is under 18  
2                   years of age, the institution of higher  
3                   education to automatically contact the  
4                   parents of such student.

5                   “(2) WAIVER.—The item required by paragraph  
6                   (1)(A) shall explicitly and prominently state that by  
7                   identifying an individual to contact in the case of  
8                   disappearance, the student waives any right to sue  
9                   based on Federal or State privacy law in the event  
10                  that a missing persons notification is made to the in-  
11                  dividual named by such student in such item.

12                  “(3) ADDITIONAL REMEDIES PERMITTED.—Noth-  
13                  ing in this subsection shall be construed to prevent or  
14                  discourage an institution of higher education from  
15                  taking additional measures with respect to missing  
16                  students beyond those required by this subsection.

17                  “(k) NOTICE TO STUDENTS CONCERNING PENALTIES  
18                  FOR DRUG VIOLATIONS.—Each institution of higher edu-  
19                  cation shall provide to each student, upon enrollment, a sep-  
20                  arate, clear, and conspicuous written notice that advises the  
21                  student of the penalties under section 484(r).”.

22   **SEC. 489. ARTICULATION AGREEMENTS.**

23                  Part G of title IV is amended by inserting after section  
24   486 (20 U.S.C. 1093) the following new section:

1 **“SEC. 486A. ARTICULATION AGREEMENTS.**

2 “(a) *PROGRAM TO ENCOURAGE ARTICULATION*  
3 *AGREEMENTS.*—

4 “(1) *PROGRAM REQUIREMENTS.*—*The Secretary*  
5 *shall carry out a program for States, in cooperation*  
6 *with public institutions of higher education, to de-*  
7 *velop, enhance, and implement comprehensive articu-*  
8 *lation agreements among such institutions in a State,*  
9 *and (to the extent practicable) across State lines, by*  
10 *2010. Such articulation agreements shall be made*  
11 *widely and publicly available on the websites of*  
12 *States and institutions, and on the application mate-*  
13 *rials of such institutions. In developing, enhancing,*  
14 *and implementing articulation agreements, States*  
15 *and public institutions of higher education may em-*  
16 *ploy strategies, where applicable, including—*

17 “(A) *common course numbering;*

18 “(B) *a general education core curriculum;*

19 “(C) *developing or expanding articulation*  
20 *agreements that include both public and private*  
21 *institutions of higher education; and*

22 “(D) *other strategies identified by the Sec-*  
23 *retary.*

24 “(2) *TECHNICAL ASSISTANCE PROVIDED.*—*The*  
25 *Secretary shall provide technical assistance to States*  
26 *and institutions of higher education for the purposes*

1       *of developing and implementing articulation agree-*  
 2       *ments in accordance with this subsection.*

3               “(3) *RULE OF CONSTRUCTION.*—*Nothing in this*  
 4       *subsection shall be construed to limit the academic*  
 5       *freedom or choices of institutions of higher education.*

6               “(b) *STUDY REQUIRED.*—*The Secretary shall conduct*  
 7       *a study to review the articulation agreements at State-based*  
 8       *college and university systems, including junior or commu-*  
 9       *nity colleges, as well as those at other institutions of higher*  
 10       *education, including private non-profit and for-profit insti-*  
 11       *tutions. Such study shall consider—*

12               “(1) *the extent to which States and institutions*  
 13       *have developed and implemented articulation agree-*  
 14       *ments;*

15               “(2) *with respect to the articulation agreements*  
 16       *developed—*

17               “(A) *the number and types of institutions*  
 18       *participating the programs offered;*

19               “(B) *the cost-savings to the participating*  
 20       *institutions and to the students;*

21               “(C) *what strategies are being employed, in-*  
 22       *cluding common course numbering and general*  
 23       *education core curriculum;*

1           “(D) the effective use of technologies to con-  
2           tain costs, maintain quality of instruction, and  
3           inform students; and

4           “(E) a description of the students to whom  
5           the articulation agreements are offered and, to  
6           the extent practicable, a description of the stu-  
7           dents who take advantage of the articulation  
8           agreements;

9           “(3) best practices and innovative strategies em-  
10          ployed to implement effective articulation agreements;  
11          and

12          “(4) barriers to the implementation of articula-  
13          tion agreements, including technological and informa-  
14          tional barriers.

15          “(c) *REPORT.*—The Secretary shall submit to the au-  
16          thorizing committees an interim report on the study re-  
17          quired by this section not later than 2 years after the date  
18          of enactment of the College Opportunity and Affordability  
19          Act of 2007 and a final report on such study not later than  
20          January 1, 2013.

21          “(d) *DEFINITION.*—In this section, the term ‘articula-  
22          tion agreement’ means an agreement between institutions  
23          of higher education that specifies the acceptability of courses  
24          in transfer toward meeting specific degree requirements.”.

1 **SEC. 490. PROGRAM PARTICIPATION AGREEMENTS.**

2 (a) *ADDITIONAL REQUIREMENTS.*—Section 487(a) (20  
3 U.S.C. 1094(a)) is amended—

4 (1) by adding at the end of paragraph (23) the  
5 following new subparagraph:

6 “(D) The institution shall be considered in com-  
7 pliance with the requirements of subparagraph (A)  
8 for each student to whom the institution electronically  
9 transmits a message containing a voter registration  
10 form acceptable for use in the State in which the in-  
11 stitution is located, or an Internet address where such  
12 a form can be downloaded, provided such information  
13 is in an electronic message devoted exclusively to voter  
14 registration.”; and

15 (2) by adding at the end the following new para-  
16 graphs:

17 “(24)(A) A covered institution that has entered  
18 into a preferred lender arrangement will compile,  
19 maintain, and make available for students attending  
20 the institution (or the parents of such students) a list,  
21 in print or any other medium, of the specific lenders  
22 for educational loans that the institution recommends,  
23 promotes, or endorses in accordance with such pre-  
24 ferred lender arrangement. In compiling, maintain-  
25 ing, and making available such list, the institution  
26 will—

1           “(i) clearly and fully disclose on such list—

2                 “(I) no less than the information re-  
3                 quired to be disclosed in the model disclo-  
4                 sure form, or updated model disclosure  
5                 form, required under section 153;

6                 “(II) why the institution has entered  
7                 into a preferred lender arrangement with  
8                 each listed lender, particularly with respect  
9                 to terms and conditions favorable to the bor-  
10                rower; and

11                “(III) that the students attending the  
12                institution (or the parents of such students)  
13                do not have to borrow from a listed lender;

14                “(ii) ensure, through the use of the list pro-  
15                vided by the Secretary under subparagraph (B),  
16                that—

17                       “(I) there are not less than 3 lenders of  
18                       loans made under part B that are not affili-  
19                       ates of each other included on such list and,  
20                       if the institution recommends, promotes, or  
21                       endorses private educational loans, there are  
22                       not less than 2 lenders of private edu-  
23                       cational loans that are not affiliates of each  
24                       other included on such list;

1                   “(II) the list under this subpara-  
2                   graph—

3                   “(aa) specifically indicates, for  
4                   each listed lender, whether the lender is  
5                   or is not an affiliate of each other lend-  
6                   er on the list; and

7                   “(bb) if a lender is an affiliate of  
8                   another lender on the list, describes the  
9                   details of such affiliation;

10                  “(iii) prominently disclose the method and  
11                  criteria used by the institution in selecting lend-  
12                  ers with which to enter into preferred lender ar-  
13                  rangements to ensure that such lenders are se-  
14                  lected on the basis of the benefits provided to bor-  
15                  rowers, including—

16                  “(I) highly competitive interest rates,  
17                  terms, or conditions of Federal and private  
18                  educational loans;

19                  “(II) high-quality servicing for such  
20                  loans; or

21                  “(III) additional benefits beyond the  
22                  standard terms and conditions for such  
23                  loans;

24                  “(iv) exercise a duty of care and a duty of  
25                  loyalty to compile the list under this subpara-

1       *graph without prejudice and for the sole benefit*  
2       *of the students attending the institution (or the*  
3       *parents of such students);*

4               “(v) not deny or otherwise impede the bor-  
5       *rower’s choice of a lender or cause unnecessary*  
6       *delays in loan certification under this title for*  
7       *those borrowers who choose a lender that has not*  
8       *been recommended, promoted, or endorsed by the*  
9       *institution; and*

10              “(vi) comply with such other requirements  
11       *as the Secretary may prescribe by regulation.*

12              “(B) The Secretary shall maintain and update  
13       *a list of lender affiliates of all eligible lenders, and*  
14       *shall provide such list to the institutions for use in*  
15       *carrying out subparagraph (A).*

16              “(C) For the purposes of subparagraph (A)—

17                      “(i) the term ‘affiliate’ means a person that  
18       *controls, is controlled by, or is under common*  
19       *control with another person;*

20                      “(ii) a person controls, is controlled by, or  
21       *is under common control with another person*  
22       *if—*

23                              “(I) the person directly or indirectly,  
24       *or acting through 1 or more others, owns,*  
25       *controls, or has the power to vote 5 percent*



1                   or more of any class of voting securities of  
2                   such other person;

3                   “(II) the person controls, in any man-  
4                   ner, the election of a majority of the direc-  
5                   tors or trustees of such other person; or

6                   “(III) the Secretary determines (after  
7                   notice and opportunity for a hearing) that  
8                   the person directly or indirectly exercises a  
9                   controlling interest over the management or  
10                  policies of such other person;

11                  “(iii) the term ‘preferred lender arrange-  
12                  ment’ has the meaning provided in section 151;  
13                  and

14                  “(iv) the term ‘educational loans’ has the  
15                  meaning provided in section 151, except that  
16                  such term does not include loans under section  
17                  499(b) or under parts D or E of this title.

18                  “(25) The institution will submit to the Sec-  
19                  retary annually, in such form as the Secretary may  
20                  prescribe, data on—

21                  “(A) the number and percentage of students  
22                  taking classes in whole or in part on-line or  
23                  through distance education;

1           “(B) of such students, the number and per-  
 2           centage of those taking their classes exclusively  
 3           on-line or through distance education; and

4           “(C) the number and percentage of courses  
 5           offered by the institution that are offered on-line  
 6           or through distance education.”.

7           (b) *REPORTS ON DISCIPLINARY PROCEEDINGS.*—

8           (1) *AMENDMENT.*—Section 487(a) (20 U.S.C.  
 9           1094(a)) is further amended by adding after para-  
 10          graph (25), as added by subsection (a) of this section,  
 11          the following new paragraph:

12           “(26) The institution will, upon request, disclose  
 13           to the alleged victim of any crime of violence (as that  
 14           term is defined in section 16 of title 18), or a nonfore-  
 15           ible sex offense, the final results of any disciplinary  
 16           proceeding conducted by such institution against a  
 17           student who is the alleged perpetrator of such crime  
 18           or offense with respect to such crime or offense. If the  
 19           alleged victim of such crime or offense is deceased, the  
 20           next of kin of such victim shall be treated as the al-  
 21           leged victim for purposes of this paragraph.”.

22           (2) *EFFECTIVE DATE.*—The amendment made by  
 23           paragraph (1) shall apply with respect to any dis-  
 24           ciplinary proceeding conducted by such institution on

1       or after one year after the date of enactment of this  
2       Act.

3       (c) *ENFORCING THE 90/10 RULE.*—

4               (1) *AMENDMENT.*—Section 487(a) (20 U.S.C.  
5       1094(a)) is further amended by adding at the end the  
6       following new paragraph:

7               “(27) A proprietary institution of higher edu-  
8       cation (as defined in section 102(b)) will, as cal-  
9       culated in accordance with subsection (f)(1) of this  
10      section, have not less than 10 percent of its revenues  
11      from sources other than funds provided under this  
12      title, or will be subject to the sanctions described in  
13      subsection (f)(2) of this section.”.

14              (2) *IMPLEMENTATION.*—Section 487 is further  
15      amended by adding at the end the following new sub-  
16      section:

17      “(f) *IMPLEMENTATION OF NON-TITLE IV REVENUE*  
18      *REQUIREMENT.*—

19              “(1) *CALCULATION.*—In carrying out subsection  
20      (a)(27), a proprietary institution of higher education  
21      shall—

22                      “(A) use the cash basis of accounting;

23                      “(B) consider as revenue only those funds  
24      generated by the institution from—

1           “(i) tuition, fees, and other institu-  
2           tional charges for students enrolled in pro-  
3           grams eligible for assistance under this title;

4           “(ii) activities conducted by the insti-  
5           tution, to the extent not included in tuition,  
6           fees, and other institutional charges, that  
7           are necessary for the education or training  
8           of its students who are enrolled in programs  
9           eligible for assistance under this title, if  
10          such activities are—

11                 “(I) conducted on campus or at a  
12                 facility under the control of the institu-  
13                 tion;

14                 “(II) performed under the super-  
15                 vision of a member of the institution’s  
16                 faculty; and

17                 “(III) required to be performed by  
18                 all students in a specific educational  
19                 program at the institution; and

20           “(iii) funds paid by a student, or on  
21           behalf of a student by a party other than  
22           the institution, for an education or training  
23           program that is not eligible for funds under  
24           this title, provided that the program is ap-  
25           proved or licensed by the appropriate State

1           *agency and is accredited by an accrediting*  
2           *agency recognized by the Secretary;*

3           “(C) *presume that any title IV program*  
4           *funds disbursed or delivered to or on behalf of a*  
5           *student will be used to pay the student’s tuition,*  
6           *fees, or other institutional charges, regardless of*  
7           *whether the institution credits those funds to the*  
8           *student’s account or pays those funds directly to*  
9           *the student, except to the extent that the student’s*  
10          *tuition, fees, or other institutional charges are*  
11          *satisfied by—*

12           “(i) *grant funds provided by non-Fed-*  
13           *eral public agencies or private sources inde-*  
14           *pendent of the institution;*

15           “(ii) *funds provided under a contrac-*  
16           *tual arrangement with Federal, State, or*  
17           *local government agencies for the purpose of*  
18           *providing job training to low-income indi-*  
19           *viduals who are in need of that training; or*

20           “(iii) *funds used by a student from*  
21           *savings plans for educational expenses es-*  
22           *tablished by or on behalf of the student and*  
23           *which qualify for special tax treatment*  
24           *under the Internal Revenue Code of 1986,*  
25           *provided that the institution can reasonable*

1           *demonstrate such funds were used to pay*  
2           *the student's tuition, fees, or other institu-*  
3           *tional charges;*

4           “(D) *include institutional aid as revenue to*  
5           *the school only as follows:*

6                   “(i) *in the case of institutional loans,*  
7                   *only the amount of loan repayments re-*  
8                   *ceived during the fiscal year; and*

9                   “(ii) *in the case of institutional schol-*  
10                  *arships, only those provided by the institu-*  
11                  *tion in the form of monetary aid or tuition*  
12                  *discounts based upon the academic achieve-*  
13                  *ments or financial need of students, dis-*  
14                  *bursed during the fiscal year from an estab-*  
15                  *lished restricted account, and only to the ex-*  
16                  *tent that funds in that account represent*  
17                  *designated funds from an outside source or*  
18                  *from income earned on those funds;*

19           “(E) *exclude from revenues—*

20                   “(i) *the amount of funds it received*  
21                   *under the Federal Work-Study program,*  
22                   *unless the institution used those funds to*  
23                   *pay a student's institutional charges;*

1                   “(ii) the amount of funds it received  
2                   under the Leveraging Education Assistance  
3                   Partnership program;

4                   “(iii) the amount of institutional funds  
5                   it used to match title IV program funds;

6                   “(iv) the amount of title IV program  
7                   funds that must be refunded or returned; or

8                   “(v) the amount charged for books,  
9                   supplies, and equipment unless the institu-  
10                  tion includes that amount as tuition, fees,  
11                  or other institutional charges.

12               “(2) SANCTIONS.—

13               “(A) An institution that fails to meet the  
14               requirements of subsection (a)(27) for 2 consecu-  
15               tive fiscal years shall become ineligible to par-  
16               ticipate in the programs authorized by this title.  
17               To regain eligibility to participate in the pro-  
18               grams authorized by this title, an institution  
19               that loses its eligibility as a sanction under this  
20               subparagraph must demonstrate compliance with  
21               all eligibility requirements for at least the 3 fis-  
22               cal years following the fiscal year the institution  
23               became ineligible.

24               “(B) In addition to such other means of en-  
25               forcing the requirements of this title as may be

1        *available to the Secretary, if an institution fails*  
2        *to meet the requirements of subsection (a)(27) in*  
3        *any fiscal year, the Secretary shall impose sanc-*  
4        *tions on the institution, which shall include—*

5                *“(i) placing the institution on provi-*  
6                *sional certification in accordance with sec-*  
7                *tion 498(h) until the institution dem-*  
8                *onstrates, to the satisfaction of the Sec-*  
9                *retary, that it is in compliance with sub-*  
10              *section (a)(27);*

11              *“(ii) requiring the institution to pro-*  
12              *vide to the Secretary satisfactory evidence of*  
13              *its financial responsibility in accordance*  
14              *with section 498(c)(3); and*

15              *“(iii) requiring such other increased*  
16              *monitoring and reporting requirements as*  
17              *the Secretary determines necessary until the*  
18              *institution demonstrates, to the satisfaction*  
19              *of the Secretary, that it is in compliance*  
20              *with subsection (a)(27).*

21              *“(3) PUBLICATION ON COLLEGE NAVIGATOR*  
22              *WEBSITE.—The Secretary shall publicly disclose the*  
23              *identity of any institution that fails to meet the re-*  
24              *quirements of subsection (a)(27) on the College Navi-*  
25              *gator website.*



1           “(4) *REPORT TO CONGRESS.*—*The Secretary*  
2           *shall annually submit to the authorizing committees*  
3           *a report that contains, for each institution subject to*  
4           *the requirement of subsection (a)(27), the result of the*  
5           *calculation of revenue performed by each such institu-*  
6           *tion pursuant to such subsection and paragraph (1)*  
7           *of this subsection.”.*

8           (d) *COMPUTER DISPOSAL.*—*Section 487(a) is further*  
9           *amended by adding at the end the following new paragraph:*

10           “(28)(A) *The institution of higher education will*  
11           *establish a policy on the disposal or disposition (in-*  
12           *cluding selling, donating, returning upon lease end,*  
13           *or destroying by recycling), of all technology assets*  
14           *which may have personal and sensitive data of stu-*  
15           *dents. Such policy may include a forensic scrub that*  
16           *ensures total destruction of data on the technology as-*  
17           *sets and include a designated for disposal or disposi-*  
18           *tion, transfer ownership and liability from that insti-*  
19           *tution to State and federally approved recyclers or de-*  
20           *manufacturers of such equipment.*

21           “(B) *For purposes of this paragraph, the term*  
22           *‘technology assets’ means a computer central proc-*  
23           *essing unit, monitor, printer, router, server, periph-*  
24           *eral devices (such as switches, hubs, and systems),*

1        *firewalls, telephones, or other simple network devices*  
 2        *or single piece of information technology equipment.”.*

3        *(e) AUDITS; FINANCIAL RESPONSIBILITY; ENFORCE-*  
 4        *MENT OF STANDARDS.—Section 487(c)(1)(A) (20 U.S.C.*  
 5        *1094(c)(1)(A)) is amended—*

6                *(1) in clause (i)—*

7                        *(A) by striking “clauses (ii) and (iii)” and*  
 8                        *inserting “clauses (ii), (iii), and (iv)”;* and

9                        *(B) by inserting before the semicolon at the*  
 10                        *end the following: “, except that the Secretary*  
 11                        *may modify the requirements of this clause with*  
 12                        *respect to institutions of higher education that*  
 13                        *are foreign institutions, and may waive such re-*  
 14                        *quirements with respect to a foreign institution*  
 15                        *whose students receive less than \$500,000 in*  
 16                        *loans under this title during the award year pre-*  
 17                        *ceding the audit period”;*

18                        *(2) in clause (ii), by striking “or” after the semi-*  
 19                        *colon;*

20                        *(3) in clause (iii), by inserting “or” after the*  
 21                        *semicolon; and*

22                        *(4) by inserting after clause (iii) the following*  
 23                        *new clause:*

24                                *“(iv) with respect to an eligible institution*  
 25                                *that is audited under clause (i), and for which*

1        *it is determined through such audit that the per-*  
2        *centage of students enrolled at the institution*  
3        *who were accepted for enrollment and made eli-*  
4        *gible for student financial assistance under this*  
5        *title by way of section 484(d)(2) exceeds 5 per-*  
6        *cent of the total enrollment of the institution for*  
7        *such academic year, an additional review to con-*  
8        *firm that the institution is in compliance with*  
9        *the regulations prescribed by the Secretary under*  
10       *section 484(d);”.*

11    **SEC. 491. REGULATORY RELIEF AND IMPROVEMENT.**

12       *Section 487A(b) (20 U.S.C. 1094a(b)) is amended—*  
13       *(1) by amending paragraph (1) to read as fol-*  
14       *lows:*

15            *“(1) IN GENERAL.—The Secretary shall continue*  
16       *the voluntary participation of any experimental sites*  
17       *in existence as of July 1, 2007, unless the Secretary*  
18       *determines that such site’s participation has not been*  
19       *successful in carrying out the purposes of this section.*  
20       *Any activities approved by the Secretary prior to*  
21       *such date that have not been successful in carrying*  
22       *out the purposes of this section shall be discontinued*  
23       *not later than June 30, 2009.”;*

24            *(2) by striking the matter preceding paragraph*  
25       *(2)(A) and inserting the following:*

1           “(2) *REPORT.*—*The Secretary shall review and*  
2           *evaluate the experience of institutions participating*  
3           *as experimental sites and shall, on a biennial basis,*  
4           *submit a report based on the review and evaluation*  
5           *to the authorizing committees. Such report shall in-*  
6           *clude—*”; and

7           (3) *in paragraph (3)—*

8           (A) *in subparagraph (A)—*

9           (i) *by striking “Upon the submission*  
10           *of the report required by paragraph (2),*  
11           *the” and inserting “The”; and*

12           (ii) *by inserting “periodically” after*  
13           *“authorized to”;*

14           (B) *by striking subparagraph (B);*

15           (C) *by redesignating subparagraph (C) as*  
16           *subparagraph (B); and*

17           (D) *in subparagraph (B) (as redesignated*  
18           *by subparagraph (C))—*

19           (i) *by inserting “, including require-*  
20           *ments related to the award process and dis-*  
21           *bursement of student financial aid (such as*  
22           *innovative delivery systems for modular or*  
23           *compressed courses, or other innovative sys-*  
24           *tems), verification of student financial aid*  
25           *application data, entrance and exit inter-*

views, 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. 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

1       *and families of their eligibility for assistance*  
2       *under this title, and, to the extent practicable,*  
3       *their eligibility for other forms of State and in-*  
4       *stitutional need-based student assistance; and*

5               *“(E) to make recommendations that will ex-*  
6       *pand and improve partnerships among the Fed-*  
7       *eral Government, States, institutions, and pri-*  
8       *vate entities to increase the awareness and total*  
9       *amount of need-based student assistance avail-*  
10       *able to low- and moderate-income students.”;*

11       *(2) in subsection (d)—*

12               *(A) in paragraph (6), by striking “, but*  
13       *nothing in this section shall authorize the com-*  
14       *mittee to perform such studies, surveys, or anal-*  
15       *yses”;*

16               *(B) in paragraph (8), by striking “and”*  
17       *after the semicolon;*

18               *(C) by redesignating paragraph (9) as*  
19       *paragraph (10); and*

20               *(D) by inserting after paragraph (8) the fol-*  
21       *lowing:*

22               *“(9) monitor the adequacy of total need-based*  
23       *aid available to low- and moderate-income students*  
24       *from all sources, assess the implications for access and*

1        *persistence, and report those implications annually to*  
 2        *Congress and the Secretary; and”;*

3            *(3) in subsection (j)(1)—*

4                    *(A) by inserting “and simplification” after*  
 5                    *“delivery processes”; and*

6                    *(B) by striking “, including the implemen-*  
 7                    *tation of a performance-based organization with-*  
 8                    *in the Department, and report to Congress re-*  
 9                    *garding such modernization on not less than an*  
 10                    *annual basis”; and*

11            *(4) in subsection (k), by striking “2004” and in-*  
 12            *serting “2011”.*

13    **SEC. 493. NEGOTIATED RULEMAKING.**

14        *Section 492(b)(1) (20 U.S.C. 1098a(b)(1)) is amended*  
 15        *by striking “from individuals nominated by groups de-*  
 16        *scribed in subsection (a)(1)” and inserting “from individ-*  
 17        *uals who are nominated by groups described in subsection*  
 18        *(a)(1) and who have recognized legitimacy as designated*  
 19        *representatives of major stakeholders, sectors, and constitu-*  
 20        *encies in the higher education community”.*

21    **SEC. 494. TECHNICAL AMENDMENT.**

22        *Section 493C(b)(1) (20 U.S.C. 1098e(b)(1)) is amend-*  
 23        *ed by striking “or is already in default”.*

1 **SEC. 495. CAMPUS-BASED DIGITAL THEFT PREVENTION.**

2 *Part G of title IV (20 U.S.C. 1088 et seq.) is further*  
3 *amended by adding at the end the following new section:*

4 **“SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.**

5 *“(a) IN GENERAL.—Each eligible institution partici-*  
6 *pating in any program under this title shall to the extent*  
7 *practicable—*

8 *“(1) make publicly available to their students*  
9 *and employees, the policies and procedures related to*  
10 *the illegal downloading and distribution of copy-*  
11 *righted materials required to be disclosed under sec-*  
12 *tion 485(a)(1)(P); and*

13 *“(2) develop a plan for offering alternatives to il-*  
14 *legal downloading or peer-to-peer distribution of in-*  
15 *tellectual property as well as a plan to explore tech-*  
16 *nology-based deterrents to prevent such illegal activ-*  
17 *ity.*

18 *“(b) GRANTS.—*

19 *“(1) PROGRAM AUTHORITY.—The Secretary may*  
20 *make grants to institutions of higher education, or*  
21 *consortia of such institutions, and enter into con-*  
22 *tracts with such institutions, consortia, and other or-*  
23 *ganizations, to develop, implement, operate, improve,*  
24 *and disseminate programs of prevention, education,*  
25 *and cost-effective technological solutions, to reduce*  
26 *and eliminate the illegal downloading and distribu-*



1        *tion of intellectual property. Such grants or contracts*  
2        *may also be used for the support of a higher edu-*  
3        *cation centers that will provide training, technical as-*  
4        *sistance, evaluation, dissemination, and associated*  
5        *services and assistance to the higher education com-*  
6        *munity as determined by the Secretary and institu-*  
7        *tions of higher education.*

8                *“(2) AWARDS.—Grants and contracts shall be*  
9        *awarded under paragraph (1) on a competitive basis.*

10               *“(3) APPLICATIONS.—An institution of higher*  
11        *education or a consortium of such institutions that*  
12        *desires to receive a grant or contract under para-*  
13        *graph (1) shall submit an application to the Sec-*  
14        *retary at such time, in such manner, and containing*  
15        *or accompanied by such information as the Secretary*  
16        *may reasonably require by regulation.*

17               *“(4) AUTHORIZATION OF APPROPRIATIONS.—*  
18        *There are authorized to be appropriated to carry out*  
19        *this subsection such sums as may be necessary for fis-*  
20        *cal year 2009 and for each of the 4 succeeding fiscal*  
21        *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*

1       *order to meet the requirements of this subpara-*  
2       *graph; and*

3               *“(ii) the agency or association requires an*  
4       *institution that offers distance education to have*  
5       *processes through which the institution estab-*  
6       *lishes that the student who registers in a distance*  
7       *education course or program is the same student*  
8       *who participates in and completes the program*  
9       *and receives the academic credit;”;*

10              *(B) by striking paragraph (6) and inserting*  
11       *the following:*

12              *“(6) such agency or association shall establish*  
13       *and apply review procedures throughout the accred-*  
14       *iting process, including evaluation and withdrawal*  
15       *proceedings which comply with due process procedures*  
16       *that provide for—*

17              *“(A) adequate specification of requirements,*  
18       *including clear and consistent standards for an*  
19       *institution to be accredited, and deficiencies at*  
20       *the institution of higher education or program*  
21       *examined;*

22              *“(B) an opportunity for a written response*  
23       *by any such institution to be included, prior to*  
24       *final action, in the evaluation and withdrawal*  
25       *proceedings;*

1           “(C) upon the written request of an institu-  
2           tion, an opportunity for the institution to appeal  
3           any adverse action, including denial, with-  
4           drawal, suspension, or termination of accredita-  
5           tion, at a hearing prior to such action becoming  
6           final, before an appeals panel that—

7                   “(i) shall not include current members  
8                   of the agency or association’s underlying de-  
9                   cision-making body that made the adverse  
10                  decision; and

11                  “(ii) is subject to a conflict of interest  
12                  policy; and

13           “(D) the right to representation by counsel  
14           for such an institution during an appeal of the  
15           adverse action;”; and

16           (C) by striking paragraph (8) and inserting  
17           the following:

18           “(8) such agency or association shall make avail-  
19           able to the public and the State licensing or author-  
20           izing agency, and submit to the Secretary, a sum-  
21           mary of agency or association actions, including—

22                   “(A) the award of accreditation or re-  
23                   accreditation of an institution;

24                   “(B) final denial, withdrawal, suspension,  
25                   or termination of accreditation, and any find-

1            *ings made in connection with the action taken,*  
2            *together with the official comments of the affected*  
3            *institution; and*

4            *“(C) any other adverse action taken with*  
5            *respect to an institution;*

6            *“(9) such agency or association confirms, as a*  
7            *part of the agency or association’s review for accredi-*  
8            *tation or reaccreditation, that the institution has*  
9            *transfer of credit policies—*

10           *“(A) that are publicly disclosed; and*

11           *“(B) that include a statement of the criteria*  
12           *established by the institution regarding the*  
13           *transfer of credit earned at another institution of*  
14           *higher education;*

15           *“(10) such agency or association reviews and*  
16           *takes into consideration the institution’s response in*  
17           *any review or determination, and includes in any de-*  
18           *termination a written statement addressing the insti-*  
19           *tution’s response and stating the basis for such deter-*  
20           *mination, and a copy of the institution’s response;*  
21           *and*

22           *“(11) such agency or association shall not make*  
23           *a determination or take adverse action based upon an*  
24           *unpublished or undocumented policy, practice, or*  
25           *precedent.”;*

1           (2) in subsection (c)—

2                   (A) in paragraph (1), by inserting “, in-  
3           cluding those regarding distance education” after  
4           “their responsibilities”;

5                   (B) by redesignating paragraphs (2)  
6           through (6) as paragraphs (4) through (8); and

7                   (C) by inserting after paragraph (1) (as  
8           amended by subparagraph (A)) the following:

9           “(2) monitors the growth of programs at institu-  
10          tions that are experiencing significant enrollment  
11          growth;

12                   “(3) requires an institution to submit a teach-  
13          out plan for approval to the accrediting agency upon  
14          the occurrence of any of the following events:

15                           “(A) the Department notifies the accrediting  
16                   agency of an action against the institution pur-  
17                   suant to section 487(d);

18                           “(B) the accrediting agency acts to with-  
19                   draw, terminate, or suspend the accreditation of  
20                   an institution; and

21                           “(C) the institution notifies the accrediting  
22                   agency that the institution intends to cease oper-  
23                   ations;”;

24                   (3) in subsection (g), by adding at the end the  
25          following: “Nothing in this section shall be construed

1       to permit the Secretary to establish any criteria that  
 2       specifies, defines, or prescribes the standards that ac-  
 3       crediting agencies or associations shall use to assess  
 4       any institution's success with respect to student  
 5       achievement.”; and

6               (4) in subsection (o), by adding at the end the  
 7       following: “Notwithstanding any other provision of  
 8       law, the Secretary shall not promulgate any regula-  
 9       tion with respect to subsection (a)(5).”.

10       (b) *ADDITIONAL AMENDMENT.*—Section 496(a)(4)(A)  
 11       as amended by subsection (a) is further amended by insert-  
 12       ing after “consistently applies and enforces standards” the  
 13       following: “that respect the stated mission of the institution  
 14       of higher education, including religious missions, and”.

15       **SEC. 497. ACCREDITATION OMBUDSMAN.**

16       Subpart 2 of part H of title IV is amended by insert-  
 17       ing after section 496 (20 U.S.C. 1099b) the following new  
 18       section:

19       **“(a) APPOINTMENT.**—The Assistant Secretary for

20       Postsecondary Education, in consultation with the Sec-  
 21       retary, shall appoint an Accreditation Ombudsman to pro-  
 22       vide timely assistance to institutions of higher education,  
 23       accrediting agencies and associations, and other partici-  
 24

1 *pants in the accreditation process who may have grievances*  
2 *related to the functions described in subsection (c).*

3 “(b) *PUBLIC INFORMATION.—The Assistant Secretary*  
4 *for Postsecondary Education shall disseminate information*  
5 *about the availability and functions of the Ombudsman to*  
6 *institutions of higher education, accrediting agencies and*  
7 *associations, and other participants in the accreditation*  
8 *process.*

9 “(c) *FUNCTIONS OF OMBUDSMAN.—The Ombudsman*  
10 *appointed under this section shall—*

11 “(1) *in accordance with regulations of the Sec-*  
12 *retary, receive, review, and attempt to resolve com-*  
13 *plaints from institutions of higher education, accred-*  
14 *iting agencies and associations, and other partici-*  
15 *pants in the accreditation process described in sub-*  
16 *section (a), including, as appropriate, attempts to re-*  
17 *solve such complaints within the Department of Edu-*  
18 *cation and with institutions of higher education, ac-*  
19 *creditation agencies and associations, and other par-*  
20 *ticipants in title IV programs; and*

21 “(2) *compile and analyze data on institutions of*  
22 *higher education and accrediting agency and associa-*  
23 *tion complaints and make appropriate recommenda-*  
24 *tions.*



1       “(d) *REPORT*.—Each year, the Ombudsman shall sub-  
2       mit a report to the Assistant Secretary for Postsecondary  
3       Education, for inclusion in the annual report under section  
4       114, that describes the activities, and evaluates the effective-  
5       ness of the Ombudsman during the preceding year.”.

6       **SEC. 498. PROGRAM REVIEW AND DATA.**

7       Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

8               (1) by striking “and” at the end of paragraph  
9       (4);

10              (2) by striking the period at the end of para-  
11       graph (5) and inserting a semicolon; and

12              (3) by adding at the end the following new para-  
13       graphs:

14              “(6) provide the institution adequate oppor-  
15       tunity to review and respond to any program review  
16       report or audit finding before any final program re-  
17       view or audit determination is reached, including ac-  
18       cess to any and all workpapers, notes, documentation,  
19       records, or other information relating to the program  
20       review report or audit finding;

21              “(7) review and take into consideration the insti-  
22       tution’s response in any final program review or  
23       audit determination, and include in the final deter-  
24       mination a written statement addressing the institu-  
25       tion’s response and stating the basis for such final de-

1       *termination, and a copy of the institution’s response;*  
 2       *and*

3               *“(8) maintain and preserve at all times the con-*  
 4       *fidentiality of any program review report until the*  
 5       *requirements of paragraphs (6) and (7) are met, and*  
 6       *until a final program review determination has been*  
 7       *issued.”.*

8   **SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM**  
 9               **EVALUATION.**

10       *Section 499 (as added by section 701 of the College*  
 11       *Cost Reduction and Access Act of 2007) is amended by add-*  
 12       *ing at the end the following new subsections:*

13               *“(c) REQUIRED INITIAL EVALUATION.—The Secretary*  
 14       *and Secretary of the Treasury shall jointly conduct an eval-*  
 15       *uation, in consultation with the Office of Management and*  
 16       *Budget, the Congressional Budget Office, and the Comp-*  
 17       *troller General, of the pilot program carried out by the Sec-*  
 18       *retary under this section. The evaluation shall determine—*

19               *“(1) the extent of the savings to the Federal Gov-*  
 20       *ernment that are generated through the pilot pro-*  
 21       *gram, compared to the cost the Federal Government*  
 22       *would have incurred in operating the PLUS loan*  
 23       *program under section 428B in the absence of the*  
 24       *pilot program;*

1           “(2) the number of lenders that participated in  
2           the pilot program, and the extent to which the pilot  
3           program generated competition among lenders to par-  
4           ticipate in the auctions under the pilot program;

5           “(3) the number and volume of loans made  
6           under the pilot in each State;

7           “(4) the effect of the transition to and operation  
8           of the pilot program on the ability of—

9                   “(A) lenders participating in the pilot pro-  
10                  gram to originate loans made through the pilot  
11                  program smoothly and efficiently;

12                  “(B) institutions of higher education par-  
13                  ticipating in the pilot program to disburse loans  
14                  made through the pilot program smoothly and ef-  
15                  ficiently; and

16                  “(C) parents to obtain loans made through  
17                  the pilot program in a timely and efficient man-  
18                  ner;

19           “(5) the differential impact, if any, of the auc-  
20           tion among the States, including between rural and  
21           non-rural States;

22           “(6) the feasibility of using the mechanism pi-  
23           loted to operate the other loan programs under part  
24           B of this title; and

1           “(7) the feasibility of using other market mecha-  
 2           nisms to operate the loan programs under part B of  
 3           this title, including the sale of securities backed by  
 4           federally owned student loan assets originated by  
 5           banks acting as agents of the Federal Government.

6           “(d) *REPORTS*.—The Secretary and the Secretary of  
 7           the Treasury shall submit to the authorizing committees—

8                   “(1) not later than September 1, 2010, a pre-  
 9                   liminary report regarding the findings of the evalua-  
 10                  tion described in subsection (c);

11                   “(2) not later than September 1, 2012, an in-  
 12                  terim report regarding such findings; and

13                   “(3) not later than September 1, 2013, a final  
 14                  report regarding such findings.”.

## 15   ***TITLE V—TITLE V AMENDMENTS***

### 16   ***SEC. 501. POSTBACCALAUREATE OPPORTUNITIES FOR HIS-*** 17           ***PANIC AMERICANS.***

18           (a) *ESTABLISHMENT OF PROGRAM*.—Title V is amend-  
 19           ed—

20                   (1) by redesignating part B as part C;

21                   (2) by redesignating sections 511 through 518 as  
 22                  sections 521 through 528, respectively; and

23                   (3) by inserting after section 505 (20 U.S.C.  
 24                  1101d) the following new part:

1     **“PART B—PROMOTING POSTBACCALAUREATE**  
2     **OPPORTUNITIES FOR HISPANIC AMERICANS**

3     **“SEC. 511. PURPOSES.**

4         *“The purposes of this part are—*

5             *“(1) to expand postbaccalaureate educational op-*  
6             *portunities for, and improve the academic attainment*  
7             *of, Hispanic students; and*

8             *“(2) to expand the postbaccalaureate academic*  
9             *offerings and enhance the program quality in the in-*  
10            *stitutions that are educating the majority of Hispanic*  
11            *college students and helping large numbers of His-*  
12            *panic and low-income students complete postsec-*  
13            *ondary degrees.*

14    **“SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.**

15         *“(a) PROGRAM AUTHORIZED.—Subject to the avail-*  
16         *ability of funds appropriated to carry out this part, the*  
17         *Secretary shall award competitive grants to Hispanic-serv-*  
18         *ing institutions determined by the Secretary to be making*  
19         *substantive contributions to graduate educational opportu-*  
20         *nities for Hispanic students.*

21         *“(b) ELIGIBILITY.—For the purposes of this part, an*  
22         *‘eligible institution’ means an institution of higher edu-*  
23         *cation that—*

24             *“(1) is an eligible institution under section*  
25             *502(a)(2); and*

1           “(2) offers a postbaccalaureate certificate or de-  
2       gree granting program.

3   **“SEC. 513. AUTHORIZED ACTIVITIES.**

4           “Grants awarded under this part shall be used for one  
5   or more of the following activities:

6           “(1) Purchase, rental, or lease of scientific or  
7       laboratory equipment for educational purposes, in-  
8       cluding instructional and research purposes.

9           “(2) Construction, maintenance, renovation, and  
10      improvement of classrooms, libraries, laboratories,  
11      and other instructional facilities, including purchase  
12      or rental of telecommunications technology equipment  
13      or services.

14          “(3) Purchase of library books, periodicals, tech-  
15      nical and other scientific journals, microfilm, micro-  
16      fiche, and other educational materials, including tele-  
17      communications program materials.

18          “(4) Support for needy postbaccalaureate stu-  
19      dents including outreach, academic support services,  
20      mentoring, scholarships, fellowships, and other finan-  
21      cial assistance to permit the enrollment of such stu-  
22      dents in postbaccalaureate certificate and degree  
23      granting programs.

1           “(5) *Support of faculty exchanges, faculty devel-*  
2           *opment, faculty research, curriculum development,*  
3           *and academic instruction.*

4           “(6) *Creating or improving facilities for Internet*  
5           *or other distance learning academic instruction capa-*  
6           *bilities, including purchase or rental of telecommuni-*  
7           *cations technology equipment or services.*

8           “(7) *Collaboration with other institutions of*  
9           *higher education to expand postbaccalaureate certifi-*  
10          *cate and degree offerings.*

11          “(8) *Other activities proposed in the application*  
12          *submitted pursuant to section 514 that—*

13                 “(A) *contribute to carrying out the purposes*  
14                 *of this part; and*

15                 “(B) *are approved by the Secretary as part*  
16                 *of the review and acceptance of such application.*

17   **“SEC. 514. APPLICATION AND DURATION.**

18          “(a) *APPLICATION.—Any eligible institution may*  
19          *apply for a grant under this part by submitting an appli-*  
20          *cation to the Secretary at such time and in such manner*  
21          *as determined by the Secretary. Such application shall*  
22          *demonstrate how the grant funds will be used to improve*  
23          *postbaccalaureate education opportunities in programs and*  
24          *professions in which Hispanic Americans are underrep-*  
25          *resented.*

1       “(b) *DURATION*.—Grants under this part shall be  
2       awarded for a period not to exceed 5 years.

3       “(c) *LIMITATION*.—The Secretary shall not award  
4       more than one grant under this part in any fiscal year  
5       to any Hispanic-serving institution.”.

6       (b) *COOPERATIVE ARRANGEMENTS*.—Section 524(a)  
7       (as redesignated by subsection (a)(2)) (20 U.S.C. 1103c(a))  
8       is amended by inserting “and section 513” after “section  
9       503”.

10       (c) *AUTHORIZATION OF APPROPRIATIONS*.—Subsection  
11       (a) of section 528 (as redesignated by subsection (a)(2) of  
12       this section) (20 U.S.C. 1103g) is amended to read as fol-  
13       lows:

14       “(a) *AUTHORIZATIONS*.—

15               “(1) *PART A*.—There are authorized to be appro-  
16       priated to carry out part A and part C of this title  
17       \$175,000,000 for fiscal year 2009 and such sums as  
18       may be necessary for each of the 4 succeeding fiscal  
19       years.

20               “(2) *PART B*.—There are authorized to be appro-  
21       priated to carry out part B of this title \$125,000,000  
22       for fiscal year 2009 and such sums as may be nec-  
23       essary for each of the 4 succeeding fiscal years.”.



1       (d) *MINIMUM GRANT AMOUNT.*—Section 528 (as reded-  
 2       ignated by subsection (a)(2) of this section) (20 U.S.C.  
 3       1103g) is amended by adding at the end the following:

4       “(c) *MINIMUM GRANT AMOUNT.*—The minimum  
 5       amount of a grant under this title shall be \$200,000.”.

6       (e) *PART A AUTHORIZED USES OF FUNDS.*—Section  
 7       503(b) (20 U.S.C. 1101b(b)) is amended—

8               (1) by redesignating paragraph (14) as para-  
 9       graph (15); and

10              (2) by inserting after paragraph (13) the fol-  
 11       lowing new paragraph:

12              “(14) Providing education or financial informa-  
 13       tion designed to improve the financial literacy and  
 14       economic literacy of students or the students’ parents,  
 15       especially with regard to student indebtedness and  
 16       student assistance programs under the title IV.”.

## 17       **TITLE VI—TITLE VI** 18       **AMENDMENTS**

19       **SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUD-**  
 20       **IES.**

21       (a) *FINDINGS AND PURPOSES.*—Section 601 (20  
 22       U.S.C. 1121) is amended—

23              (1) in subsection (a)(3), by striking “post-Cold  
 24       War”;

1           (2) in subsection (b)(1), by striking “; and” at  
 2           the end of subparagraph (D) and inserting “, includ-  
 3           ing through linkages overseas with institutions of  
 4           higher education and relevant organizations that con-  
 5           tribute to the educational programs assisted under  
 6           this part; and”; and

7           (3) in subsection (b)(3) by inserting “, and  
 8           international business and trade competitiveness” be-  
 9           fore the period.

10          (b) GRADUATE AND UNDERGRADUATE LANGUAGE AND  
 11 AREA CENTERS AND PROGRAMS.—Section 602(a) (20  
 12 U.S.C. 1122(a)) is amended—

13           (1) in paragraph (1), by striking subparagraph  
 14           (A) and inserting the following:

15                   “(A) IN GENERAL.—The Secretary is au-  
 16                   thorized to make grants to institutions of higher  
 17                   education or consortia of such institutions for the  
 18                   purpose of establishing, strengthening, and oper-  
 19                   ating—

20                           “(i) comprehensive foreign language  
 21                           and area or international studies centers  
 22                           and programs; and

23                           “(ii) a diverse network of under-  
 24                           graduate foreign language and area or

1           *international studies centers and pro-*  
2           *grams.”;*

3       (2) *in paragraph (2)—*

4           (A) *by striking “and” at the end of sub-*  
5           *paragraph (G);*

6           (B) *by striking the period at the end of sub-*  
7           *paragraph (H) and inserting a semicolon; and*

8           (C) *by inserting after subparagraph (H) the*  
9           *following new subparagraphs:*

10           “(I) *supporting instructors of the less com-*  
11           *monly taught languages; and*

12           “(J) *projects that support in students an*  
13           *understanding of science and technology in co-*  
14           *ordination with foreign language proficiency.”;*  
15           *and*

16       (3) *in paragraph (4)—*

17           (A) *by amending subparagraph (B) to read*  
18           *as follows:*

19           “(B) *Partnerships or programs of linkage*  
20           *and outreach with 2-year and 4-year colleges*  
21           *and universities, including colleges of education*  
22           *and teacher professional development pro-*  
23           *grams.”;*

24           (B) *in subparagraph (C), by striking “Pro-*  
25           *grams of linkage or outreach” and inserting*

1           *“Partnerships or programs of linkage and out-*  
 2           *reach”;*

3           *(C) in subparagraph (E)—*

4                 *(i) by striking “foreign area” and in-*  
 5                 *serting “area studies”;*

6                 *(ii) by striking “of linkage and out-*  
 7                 *reach”;* and

8                 *(iii) by striking “(C), and (D)” and*  
 9                 *inserting “(D), and (E)”;*

10           *(D) by redesignating subparagraphs (C),*  
 11           *(D), and (E) as subparagraphs (D), (E), and*  
 12           *(F), respectively; and*

13           *(E) by inserting after subparagraph (B) the*  
 14           *following new subparagraph:*

15                 *“(C) Partnerships with local educational*  
 16                 *agencies and public and private elementary and*  
 17                 *secondary education schools that are designed to*  
 18                 *increase student academic achievement in foreign*  
 19                 *language and knowledge of world regions, and to*  
 20                 *facilitate the wide dissemination of materials re-*  
 21                 *lated to area studies.”.*

22           *(c) FELLOWSHIPS FOR FOREIGN LANGUAGE AND AREA*  
 23           *OR INTERNATIONAL STUDIES.—Section 602(b) (20 U.S.C.*  
 24           *1122(b)) is amended—*

1           (1) by inserting “AND UNDERGRADUATE” after  
2           “GRADUATE” in the subsection heading; and

3           (2) by striking paragraph (2) and inserting the  
4           following:

5           “(2) *ELIGIBLE STUDENTS.*—A student receiving  
6           a stipend described in paragraph (1) shall be engaged  
7           in an instructional program with stated performance  
8           goals for functional foreign language use or in a pro-  
9           gram developing such performance goals, in combina-  
10          tion with area studies, international studies, or the  
11          international aspects of a professional studies pro-  
12          gram, including predissertation level studies, prepa-  
13          ration for dissertation research, dissertation research  
14          abroad, and dissertation writing, and—

15               “(A) in the case of graduate fellowships, ac-  
16               tivities in connection with a program described  
17               in this paragraph may include predissertation  
18               level studies, preparation for dissertation re-  
19               search, dissertation research abroad, and dis-  
20               sertation writing; or

21               “(B) in the case of undergraduate fellow-  
22               ships, students may be allowed to use their fel-  
23               lowships abroad for intermediate or advanced  
24               study of a less commonly taught language.”.

1       (d) *LANGUAGE RESOURCE CENTERS*.—Section 603(c)  
 2       (20 U.S.C. 1123(c)) is amended by inserting “reflect the  
 3       purposes of this part and” after “shall”.

4       (e) *UNDERGRADUATE INTERNATIONAL STUDIES AND*  
 5       *FOREIGN LANGUAGE PROGRAMS*.—Section 604 (20 U.S.C.  
 6       1124) is amended—

7               (1) in subsection (a)(1), by striking “combina-  
 8       tions” each place it appears and inserting “con-  
 9       sortia”;

10              (2) in subsection (a)(2)—

11                      (A) in subparagraph (B)(ii), by striking  
 12                      “teacher training” and inserting “teacher profes-  
 13                      sional development”;

14                      (B) by redesignating subparagraphs (I)  
 15                      through (M) as subparagraphs (J) through (N),  
 16                      respectively;

17                      (C) by inserting after subparagraph (H) the  
 18                      following new subparagraph:

19                              “(I) the provision of grants for educational  
 20                              programs abroad that are closely linked to the  
 21                              program’s overall goals and have the purpose of  
 22                              promoting foreign language fluency and knowl-  
 23                              edge of world regions, except that not more than  
 24                              10 percent of a grant recipient’s funds may be  
 25                              used for this purpose;” and

1                   (D) in subparagraph (M)(ii) (as redesign-  
 2                   nated by subparagraph (B) of this paragraph),  
 3                   by striking “elementary and secondary education  
 4                   institutions” and inserting “local educational  
 5                   agencies and public and private elementary and  
 6                   secondary education schools”;

7                   (3) in subsection (a)(4)(B), by inserting “that  
 8                   demonstrates a need for a waiver or reduction” before  
 9                   the period at the end;

10                  (4) in subsection (a)(6), by inserting “reflect the  
 11                  purposes of this part and” after “shall”;

12                  (5) in subsection (a)(8), by striking “may” and  
 13                  inserting “shall”; and

14                  (6) by striking subsection (c).

15                  (f) *RESEARCH; STUDIES; ANNUAL REPORT*.—Section  
 16                  605(a) (20 U.S.C. 1125(a)) is amended by inserting before  
 17                  the period at the end of the first sentence the following: “,  
 18                  including the systematic collection, analysis, and dissemi-  
 19                  nation of data”.

20                  (g) *TECHNOLOGICAL INNOVATION AND COOPERATION*  
 21                  *FOR FOREIGN INFORMATION ACCESS*.—Section 606 (20  
 22                  U.S.C. 1126) is amended—

23                         (1) in subsection (a)—

24                                 (A) by striking “or consortia of such insti-  
 25                                 tutions or libraries” and inserting “or partner-

1        *ships between such institutions or libraries and*  
2        *nonprofit educational organizations including*  
3        *museums”;*

4                *(B) by striking “new”; and*

5                *(C) by inserting “from foreign sources”*  
6        *after “disseminate information”;*

7        *(2) in subsection (b)—*

8                *(A) by inserting “acquire and” before “fa-*  
9        *cilitate access” in paragraph (1);*

10               *(B) by striking “new means of” in para-*  
11        *graph (3) and inserting “new means and stand-*  
12        *ards for”;*

13               *(C) by striking “and” at the end of para-*  
14        *graph (6);*

15               *(D) by striking the period at the end of*  
16        *paragraph (7) and inserting a semicolon; and*

17               *(E) by inserting after paragraph (7) the fol-*  
18        *lowing new paragraphs:*

19               *“(8) to establish linkages between grant recipi-*  
20        *ents under subsection (a) with libraries, museums, or-*  
21        *ganizations, or institutions of higher education lo-*  
22        *cated overseas to facilitate carrying out the purposes*  
23        *of this section; and*



1           “(9) to carry out other activities deemed by the  
2       Secretary to be consistent with the purposes of this  
3       section.”; and

4           (3) by adding at the end the following new sub-  
5       section:

6       “(e) *SPECIAL RULE.*—The Secretary may waive or re-  
7       duce the required non-Federal share for institutions that—

8           “(1) are eligible to receive assistance under part  
9       A or B of title III or under title V; and

10          “(2) have submitted a grant application under  
11       this section that demonstrates a need for a waiver or  
12       reduction.”.

13       (h) *SELECTION OF GRANT RECIPIENTS.*—Section  
14       607(b) (20 U.S.C. 1127(b)) is amended—

15          (1) by striking “objectives” and inserting “mis-  
16       sions”; and

17          (2) by adding at the end the following new sen-  
18       tence: “In keeping with the purposes of this part, the  
19       Secretary shall take into account the degree to which  
20       activities of centers, programs, and fellowships at in-  
21       stitutions of higher education address national needs,  
22       generate and disseminate information, and foster de-  
23       bate on international issues.”.

24       (i) *EQUITABLE DISTRIBUTION.*—Section 608(a) (20  
25       U.S.C. 1128(a)) is amended by adding at the end the fol-

1 *lowing new sentence: “Grants made under section 602 shall*  
 2 *also reflect the purposes of this part.”.*

3 *(j) AUTHORIZATION OF APPROPRIATIONS.—Section*  
 4 *610 (20 U.S.C. 1128b) is amended by striking “1999” and*  
 5 *inserting “2009”.*

6 *(k) CONFORMING AMENDMENTS.—*

7 *(1) Sections 603(a), 604(a)(5), and 612 (20*  
 8 *U.S.C. 1123(a), 1124(a)(5), 1130–1) are each amend-*  
 9 *ed by striking “combinations” each place it appears*  
 10 *and inserting “consortia”.*

11 *(2) Section 612 (20 U.S.C. 1130–1) is further*  
 12 *amended by striking “combination” each place it ap-*  
 13 *pears and inserting “consortium”.*

14 **SEC. 602. BUSINESS AND INTERNATIONAL EDUCATION PRO-**  
 15 **GRAMS.**

16 *(a) CENTERS FOR INTERNATIONAL BUSINESS EDU-*  
 17 *CATION.—Section 612 (20 U.S.C. 1130–1) is further*  
 18 *amended—*

19 *(1) in subsection (a)(1)(C), by inserting “manu-*  
 20 *facturing software systems, technology management,”*  
 21 *after “commerce,”;*

22 *(2) in subsection (c)(2)(E), by inserting “(in-*  
 23 *cluding those that are eligible to receive assistance*  
 24 *under part A or B of title III or under title V)” after*  
 25 *“other institutions of higher education”;*

1           (3) in subsection (c)(2)—

2                   (A) by striking “and” at the end of sub-  
3 paragraph (E); and

4                   (B) by inserting the following new subpara-  
5 graph after subparagraph (E) (and redesign-  
6 nating the succeeding subparagraph):

7                   “(F) programs encouraging the advance-  
8 ment and understanding of cultural, techno-  
9 logical management, and manufacturing soft-  
10 ware systems practices between institutions of  
11 higher education in the United States and coun-  
12 tries with existing partnerships with other coun-  
13 tries, including those in Asian countries focused  
14 on this industry; and”; and

15           (4) in subsection (e), by adding at the end the  
16 following new paragraph:

17                   “(5) SPECIAL RULE.—The Secretary may waive  
18 or reduce the required non-Federal share for institu-  
19 tions that—

20                   “(A) are eligible to receive assistance under  
21 part A or B of title III or under title V; and

22                   “(B) have submitted a grant application  
23 under this section that demonstrates a need for  
24 a waiver or reduction, as determined by the Sec-  
25 retary.”.

1       (b) *EDUCATION AND TRAINING PROGRAMS.*—Section  
 2   613 (20 U.S.C. 1130a) is amended by adding at the end  
 3   the following new subsection:

4       “(e) *SPECIAL RULE.*—The Secretary may waive or re-  
 5   duce the required non-Federal share for institutions that—

6               “(1) are eligible to receive assistance under part  
 7   A or B of title III or under title V; and

8               “(2) have submitted a grant application under  
 9   this section that demonstrates a need for a waiver or  
 10   reduction, as determined by the Secretary.”.

11       (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
 12   614 (20 U.S.C. 1130b) is amended by striking “1999” each  
 13   place it appears and inserting “2009”.

14   **SEC. 603. INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.**

15       (a) *FOREIGN SERVICE PROFESSIONAL DEVELOP-*  
 16   *MENT.*—Section 621 (20 U.S.C. 1131) is amended—

17               (1) by striking the heading of such section and  
 18   inserting the following:

19   **“SEC. 621. PROGRAM FOR FOREIGN SERVICE PROFES-**  
 20       **SIONALS.”;**

21               (2) by striking the second sentence of subsection  
 22   (a) and inserting the following: “The Institute shall  
 23   conduct a program to enhance the international com-  
 24   petitiveness of the United States by increasing the  
 25   participation of underrepresented populations in the

1       *international service, including private international*  
 2       *voluntary organizations, the international commer-*  
 3       *cial service, and the foreign service of the United*  
 4       *States.”; and*

5               *(3) in subsection (b)(1), by striking subpara-*  
 6       *graphs (A) and (B) and inserting the following:*

7               *“(A) A Tribally Controlled College or Uni-*  
 8               *versity or Alaska Native or Native Hawaiian-*  
 9               *serving institution eligible for assistance under*  
 10              *title III, an institution eligible for assistance*  
 11              *under part B of title III, or a Hispanic-serving*  
 12              *institution eligible for assistance under title V.*

13              *“(B) An institution of higher education*  
 14              *which serves substantial numbers of underrep-*  
 15              *resented minority students.”.*

16       *(b) INSTITUTIONAL DEVELOPMENT.—Section 622(a)*  
 17       *(20 U.S.C. 1131–1(a)) is amended by inserting before the*  
 18       *period at the end the following: “and promote collaboration*  
 19       *with colleges and universities that receive funds under this*  
 20       *title”.*

21       *(c) STUDY ABROAD PROGRAM.—Section 623(a) (20*  
 22       *U.S.C. 1131a(a)) is amended by inserting after “1978,” the*  
 23       *following: “Alaska Native-serving, Native Hawaiian-serv-*  
 24       *ing, and Hispanic-serving institutions,”.*

1       (d) *ADVANCED DEGREE IN INTERNATIONAL RELA-*  
2 *TIONS.*—Section 624 (20 U.S.C. 1131b) is amended—

3           (1) by striking “**MASTERS**” in the heading of  
4 such section and inserting “**ADVANCED**”;

5           (2) by striking “a masters degree in inter-  
6 national relations” and inserting “an advanced de-  
7 gree in international relations, international affairs,  
8 international economics, or other academic areas re-  
9 lated to the Institute fellow’s career objectives”; and

10          (3) by striking “The masters degree program de-  
11 signed by the consortia” and inserting “The advanced  
12 degree study program shall be designed by the con-  
13 sortia, consistent with the fellow’s career objectives,  
14 and”.

15       (e) *INTERNSHIPS.*—Section 625 (20 U.S.C. 1131c) is  
16 amended—

17           (1) in subsection (a), by inserting after “1978,”  
18 the following: “Alaska Native-serving, Native Hawai-  
19 ian-serving, and Hispanic-serving institutions,”;

20           (2) in subsection (b)—

21               (A) by inserting “and” after the semicolon  
22 at the end of paragraph (2);

23               (B) by striking “; and” at the end of para-  
24 graph (3) and inserting a period; and

25               (C) by striking paragraph (4); and

1           (3) *by amending subsection (c) to read as fol-*  
 2       *lows:*

3           “(c) *RALPH J. BUNCHE FELLOWS.*—*In order to assure*  
 4       *the recognition and commitment of individuals from under-*  
 5       *represented student populations who demonstrate special*  
 6       *interest in international affairs and language study, eligi-*  
 7       *ble students who participate in the internship programs au-*  
 8       *thorized under subsections (a) and (b) shall be known as*  
 9       *the Ralph J. Bunche Fellows.”.*

10          (f) *REPORT.*—*Section 626 (20 U.S.C. 1131d) is*  
 11       *amended by striking “annually prepare a report” and in-*  
 12       *serting “prepare a report biennially”.*

13          (g) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*  
 14       *628 (20 U.S.C. 1131f) is amended by striking “1999” and*  
 15       *inserting “2009”.*

16       **SEC. 604. PREPARING FOR EARLY FOREIGN LANGUAGE IN-**  
 17                               **STRUCTION.**

18       *Title VI (20 U.S.C. 1121 et seq.) is amended—*

19           (1) *by redesignating part D as part E;*

20           (2) *by redesignating section 631 (20 U.S.C.*  
 21       *1132) as section 641; and*

22           (3) *by inserting after section 628 the following*  
 23       *new part:*

**“PART D—PREPARING FOR EARLY FOREIGN  
LANGUAGE INSTRUCTION**

**“SEC. 631. PREPARING FOR EARLY FOREIGN LANGUAGE IN-  
STRUCTION.**

*“(a) DEFINITIONS.—In this section:*

*“(1) ELIGIBLE PARTNERSHIP.—The term ‘eligi-  
ble 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 teach-  
er 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 dem-  
onstrated effectiveness, including a museum;*

*“(v) heritage or community centers for  
language study;*

*“(vi) language resource centers; or*

*“(vii) the State foreign language coor-  
dinator or State educational agency.*



1           “(2) *HIGH-NEED LOCAL EDUCATIONAL AGEN-*  
2           *CY.—The term ‘high-need local educational agency’*  
3           *has the meaning given the term in section 2102 of the*  
4           *Elementary and Secondary Education Act of 1965*  
5           *(20 U.S.C. 6602).*

6           “(3) *ARTICULATED.—The term ‘articulated’*  
7           *means that each grade level of the foreign language*  
8           *program is designed to sequentially expand on the*  
9           *student achievement of the previous level with a goal*  
10          *toward achieving an established level of language pro-*  
11          *ficiency.*

12          “(b) *PURPOSE.—The purpose of this section is to im-*  
13          *prove the performance of students in the study of foreign*  
14          *languages by encouraging States, institutions of higher edu-*  
15          *cation, elementary schools, and secondary schools to partici-*  
16          *pate in programs that—*

17                 “(1) *upgrade the status and stature of foreign*  
18                 *language teaching by encouraging institutions of*  
19                 *higher education to assume greater responsibility for*  
20                 *improving foreign language teacher education through*  
21                 *the establishment of a comprehensive, integrated sys-*  
22                 *tem of recruiting and advising such teachers;*

23                 “(2) *focus on education of foreign language*  
24                 *teachers as a career-long process that should continu-*

1        *ously stimulate teachers' intellectual growth and up-*  
2        *grade teachers' knowledge and skills;*

3                *“(3) bring foreign language teachers in elemen-*  
4        *tary schools and secondary schools together with lin-*  
5        *guists or higher education foreign language profes-*  
6        *sionals to increase the subject matter knowledge and*  
7        *improve the teaching skills of teachers through the use*  
8        *of more sophisticated resources that institutions of*  
9        *higher education are better able to provide than such*  
10       *schools; and*

11               *“(4) develop more rigorous foreign language cur-*  
12       *ricula that contain—*

13                *“(A) professionally accepted standards for*  
14       *elementary and secondary education instruction;*

15                *“(B) standards expected for postsecondary*  
16       *study in foreign language; and*

17                *“(C) articulated foreign language programs*  
18       *from kindergarten through grade 12 that dem-*  
19       *onstrate increased competence and proficiency*  
20       *over time and grade.*

21        *“(c) GRANTS TO PARTNERSHIPS.—*

22                *“(1) IN GENERAL.—The Secretary may award*  
23       *grants, on a competitive basis, to eligible partnerships*  
24       *to enable the eligible partnerships to pay the Federal*

1       *share of the costs of carrying out the authorized ac-*  
2       *tivities described in this section.*

3               “(2) *DURATION.*—*The Secretary shall award*  
4       *grants under this section for a period of 5 years.*

5               “(3) *FEDERAL SHARE.*—*The Federal share of the*  
6       *costs of the activities assisted under this section shall*  
7       *be—*

8                       “(A) *75 percent of the costs for the first*  
9                       *year that an eligible partnership receives a grant*  
10                      *payment under this section;*

11                     “(B) *65 percent of such costs for the second*  
12                     *such year; and*

13                     “(C) *50 percent of such costs for each of the*  
14                     *third, fourth, and fifth such years.*

15               “(4) *NON-FEDERAL SHARE.*—*The non-Federal*  
16       *share of the costs of carrying out the authorized ac-*  
17       *tivities described in this section may be provided in*  
18       *cash or in kind, fairly evaluated.*

19               “(5) *PRIORITY.*—*In awarding grants under this*  
20       *section, the Secretary shall give priority to eligible*  
21       *partnerships—*

22                     “(A) *that include high-need local edu-*  
23                     *cational agencies; or*

24                     “(B) *that emphasize the teaching of com-*  
25                     *monly taught and critical foreign languages in*

1           *an articulated program that demonstrates in-*  
2           *creased competency and proficiency over grade*  
3           *and time.*

4           “(d) *APPLICATIONS.*—

5                 “(1) *IN GENERAL.*—*Each eligible partnership de-*  
6           *siring a grant under this section shall submit an ap-*  
7           *plication to the Secretary at such time, in such man-*  
8           *ner, and accompanied by such information as the*  
9           *Secretary may require.*

10               “(2) *CONTENTS.*—*An application under para-*  
11           *graph (1) shall include—*

12                         “(A) *an assessment of the teacher quality*  
13           *and professional development needs of all the*  
14           *schools and agencies participating in the eligible*  
15           *partnership with respect to the teaching and*  
16           *learning of foreign languages;*

17                         “(B) *a description of how the activities to*  
18           *be carried out by the eligible partnership will be*  
19           *based on a review of relevant research, and an*  
20           *explanation of why the activities are expected to*  
21           *improve student performance and to strengthen*  
22           *the quality of foreign language instruction; and*

23                         “(C) *a description of—*

1                   “(i) how the eligible partnership will  
2                   carry out the authorized activities described  
3                   in subsection (e); and

4                   “(ii) the eligible partnership’s evalua-  
5                   tion and accountability plan as described in  
6                   subsection (f).

7           “(e) *AUTHORIZED ACTIVITIES*.—An eligible partner-  
8   ship shall use the grant funds provided under this section  
9   for 1 or more of the following activities related to elemen-  
10 tary schools or secondary schools:

11           “(1) Creating opportunities for enhanced and  
12   ongoing professional development that improves the  
13   subject matter knowledge of foreign language teachers.

14           “(2) Recruiting university students with foreign  
15   language majors for teaching.

16           “(3) Promoting strong teaching skills for foreign  
17   language teachers and teacher educators.

18           “(4) Establishing foreign language summer  
19   workshops or institutes (including follow-up) for  
20   teachers.

21           “(5) Establishing distance learning programs for  
22   foreign language teachers.

23           “(6) Designing programs to prepare a teacher at  
24   a school to provide professional development to other  
25   teachers at the school and to assist novice teachers at

1        *such school, including (if applicable) a mechanism to*  
2        *integrate experiences from a summer workshop or in-*  
3        *stitute.*

4            *“(7) Developing instruction materials.*

5        *“(f) EVALUATION AND ACCOUNTABILITY PLAN.—Each*  
6        *eligible partnership receiving a grant under this section*  
7        *shall develop an evaluation and accountability plan for ac-*  
8        *tivities assisted under this section that includes strong per-*  
9        *formance objectives. The plan shall include objectives and*  
10       *measures for—*

11           *“(1) increased participation by students in ad-*  
12        *vanced courses in foreign language;*

13           *“(2) increased percentages of secondary school*  
14        *classes in foreign language taught by teachers with*  
15        *academic majors in foreign language; and*

16           *“(3) increased numbers of foreign language*  
17        *teachers who participate in content-based professional*  
18        *development activities.*

19        *“(g) REPORT.—Each eligible partnership receiving a*  
20        *grant under this section shall annually report to the Sec-*  
21        *retary regarding the eligible partnership’s progress in meet-*  
22        *ing the performance objectives described in subsection (f).*

23        *“(h) TERMINATION.—If the Secretary determines that*  
24        *an eligible partnership is not making substantial progress*  
25        *in meeting the performance objectives described in sub-*

1 section (f) by the end of the third year of a grant under  
 2 this section, the grant payments shall not be made for the  
 3 fourth and fifth years of the grant.

4 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
 5 authorized to be appropriated to carry out this section, such  
 6 sums as may be necessary for fiscal year 2009 and for each  
 7 of the 4 succeeding fiscal years.”.

8 **SEC. 605. EVALUATION, OUTREACH, AND DISSEMINATION.**

9 Part E of title VI, as redesignated by section 604 of  
 10 this Act, is amended by inserting after section 641 (20  
 11 U.S.C. 1132 (as so redesignated)) the following new section:

12 **“SEC. 642. EVALUATION, OUTREACH, AND DISSEMINATION.**

13 “The Secretary may use not more than one percent  
 14 of the funds made available for this title for program eval-  
 15 uation, national outreach, and information dissemination  
 16 activities.”.

17 **SEC. 606. STUDENT SAFETY.**

18 Part E of title VI, as redesignated by section 604 of  
 19 this Act, is further amended by inserting after section 642  
 20 (as added by section 605 of this Act) the following new sec-  
 21 tion:

22 **“SEC. 643. STUDENT SAFETY.**

23 “Applicants seeking funds under this title to support  
 24 student travel and study abroad shall submit as part of  
 25 their grant application a description of safety policies and

1 *procedures for students participating in the program while*  
 2 *abroad.”.*

3 **SEC. 607. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN**  
 4 **LANGUAGE EDUCATION GRANT PROGRAM.**

5 *Part E of title VI, as redesignated by section 604 of*  
 6 *this Act, is further amended by inserting after section 643*  
 7 *(as added by section 606 of this Act) the following new sec-*  
 8 *tion:*

9 **“SEC. 644. SCIENCE AND TECHNOLOGY ADVANCED FOR-**  
 10 **EIGN LANGUAGE EDUCATION GRANT PRO-**  
 11 **GRAM.**

12 *“(a) PURPOSE.—It is the purpose of this section to*  
 13 *support programs in colleges and universities that—*

14 *“(1) encourage students to develop—*

15 *“(A) an understanding of science and tech-*  
 16 *nology; and*

17 *“(B) foreign language proficiency; and*

18 *“(2) foster future international scientific collabo-*  
 19 *ration.*

20 *“(b) DEVELOPMENT.—The Secretary shall develop a*  
 21 *program for the awarding of grants to institutions of higher*  
 22 *education that develop innovative programs for the teaching*  
 23 *of foreign languages.*

24 *“(c) REGULATIONS AND REQUIREMENTS.—The Sec-*  
 25 *retary shall promulgate regulations for the awarding of*



1 *grants under subsection (b). Such regulations shall require*  
2 *institutions of higher education to use grant funds for,*  
3 *among other things—*

4           “(1) *the development of an on-campus cultural*  
5 *awareness program by which students attend classes*  
6 *taught in a foreign language and study the science*  
7 *and technology developments and practices in a non-*  
8 *English speaking country;*

9           “(2) *immersion programs where students take*  
10 *science or technology related course work in a non-*  
11 *English speaking country; and*

12           “(3) *other programs, such as summer workshops,*  
13 *that emphasize the intense study of a foreign language*  
14 *and science technology.*

15           “(d) *GRANT DISTRIBUTION.—In distributing grants to*  
16 *institutions of higher education under this section, the Sec-*  
17 *retary shall give priority to—*

18           “(1) *institutions that have programs focusing on*  
19 *curricula that combine the study of foreign languages*  
20 *and the study of science and technology and produce*  
21 *graduates who have both skills; and*

22           “(2) *institutions teaching critical foreign lan-*  
23 *guages.*

24           “(e) *SCIENCE.—In this section, the term ‘science’*  
25 *means any of the natural and physical sciences including*

1 *chemistry, biology, physics, and computer science. Such*  
 2 *term does not include any of the social sciences.*

3 “(f) *APPROPRIATIONS AUTHORIZED.—There are au-*  
 4 *thorized to be appropriated to carry out this section, such*  
 5 *sums as may be necessary for fiscal year 2009 and for each*  
 6 *subsequent fiscal year.”.*

7 **SEC. 608. REPORTING BY INSTITUTIONS.**

8 *Part E of title VI (20 U.S.C. 1122), as redesignated*  
 9 *by section 604 of this Act, is further amended by inserting*  
 10 *after section 644 (as added by section 607 of this Act) the*  
 11 *following new section:*

12 **“SEC. 645. REPORTING BY INSTITUTIONS.**

13 “(a) *APPLICABILITY.—The data requirement in sub-*  
 14 *section (b) shall apply to an institution of higher education*  
 15 *that receives funds for a center or program under this title*  
 16 *if—*

17 “(1) *the amount of cash, or the fair market*  
 18 *value, or both, of the contributions received from a*  
 19 *foreign government or private sector corporation,*  
 20 *foundation, or any other entity or individual (exclud-*  
 21 *ing domestic government entities) during any fiscal*  
 22 *year exceeds \$1,000,000 in the aggregate; and*

23 “(2) *the aggregate contribution is intended for*  
 24 *use directly or indirectly by a center or program re-*  
 25 *ceiving funds under this title.*

1       “(b) *DATA REQUIRED.*—*The Secretary shall require of*  
2 *each institution to which this paragraph applies under sub-*  
3 *section (a), as part of the Integrated Postsecondary Edu-*  
4 *cation Data System (IPEDS) annual data collection, that*  
5 *such institution report the following data:*

6               “(1) *The names and addresses of any foreign*  
7 *government or private sector corporation, foundation,*  
8 *or any other entity or individual that contributed*  
9 *such amount of cash or such fair market value of*  
10 *other property as described in subsection (a)(1).*

11              “(2) *The amount of such cash or the fair market*  
12 *value of such property.*

13       “(c) *EXEMPTION FROM REPORTING.*—*The Secretary*  
14 *may, at the request of the donor, exempt domestic donors*  
15 *who make anonymous donations from the institutional re-*  
16 *porting requirement of subsection (b)(1) to preserve the ano-*  
17 *nymity of their contribution. The data of institutions shall*  
18 *identify such donors as ‘anonymous’. This exemption does*  
19 *not apply to non-domestic donations.*

20       “(d) *DEADLINE.*—*Any report under subsection (b)*  
21 *shall be made no later than such date as the Secretary shall*  
22 *require.*

23       “(e) *CONSEQUENCES OF FAILURE TO REPORT.*—*In*  
24 *the case of any institution from which a report is requested*  
25 *under subsection (b), if the Secretary does not receive a re-*

1 *port in accordance with the deadline established under sub-*  
 2 *section (d), the Secretary shall—*

3 *“(1) make a determination that the institution of*  
 4 *higher education has failed to make the report re-*  
 5 *quired by this paragraph;*

6 *“(2) transmit a notice of the determination to*  
 7 *Congress; and*

8 *“(3) publish in the Federal Register a notice of*  
 9 *the determination and the effect of the determination*  
 10 *on the eligibility of the institution of higher education*  
 11 *for contracts and grants under this title.”.*

12 **SEC. 609. FEDERAL FOREIGN LANGUAGE EDUCATION MAR-**  
 13 **KETING CAMPAIGN.**

14 *The Secretary of Education shall establish a foreign*  
 15 *language education marketing campaign to encourage stu-*  
 16 *dents at secondary schools and institutions of higher edu-*  
 17 *cation to study foreign languages, particularly languages*  
 18 *that are less commonly taught and critical to the national*  
 19 *security of the United States.*

20 **TITLE VII—TITLE VII**  
 21 **AMENDMENTS**

22 **SEC. 701. JAVITS FELLOWSHIP PROGRAM.**

23 *(a) AUTHORITY AND TIMING OF AWARDS.—Section*  
 24 *701(a) (20 U.S.C. 1132a(a)) is amended by inserting after*  
 25 *the second sentence the following: “For purposes of the ex-*

1 *ception in the preceding sentence, a master's degree in fine*  
 2 *arts shall be considered a terminal degree."*

3       (b) *INTERRUPTIONS OF STUDY.*—Section 701(c) (20  
 4 *U.S.C. 1134(c)) is amended by adding at the end the fol-*  
 5 *lowing new sentence: "In the case of other exceptional cir-*  
 6 *cumstances, such as active duty military service or personal*  
 7 *or family member illness, the institution of higher education*  
 8 *may also permit the fellowship recipient to interrupt peri-*  
 9 *ods of study for the duration of the tour of duty (in the*  
 10 *case of military service) or not more than 12 months (in*  
 11 *any other case), but without payment of the stipend."*

12       (c) *ALLOCATION OF FELLOWSHIPS.*—Section 702(a)(1)  
 13 *(20 U.S.C. 1134a(a)(1)) is amended—*

14               (1) *in the first sentence, by inserting "from di-*  
 15 *verse geographic regions" after "higher education";*  
 16 *and*

17               (2) *by adding at the end the following new sen-*  
 18 *tence: "The Secretary shall also assure that at least*  
 19 *one representative appointed to the Board represents*  
 20 *an institution that is eligible for a grant under title*  
 21 *III or V of this Act."*

22       (d) *STIPENDS.*—Section 703 (20 *U.S.C. 1134b)* is  
 23 *amended—*

24               (1) *in subsection (a)—*

1                   (A) by striking “1999–2000” and inserting  
2                   “2009–2010”; and

3                   (B) by striking “Foundation graduate fel-  
4                   lowships” and inserting “Foundation Graduate  
5                   Research Fellowship Program on February 1 of  
6                   such academic year”; and

7                   (2) in subsection (b), by amending paragraph  
8                   (1)(A) to read as follows:

9                   “(1) *IN GENERAL.*—(A) *The Secretary shall (in*  
10                  *addition to stipends paid to individuals under this*  
11                  *subpart) pay to the institution of higher education,*  
12                  *for each individual awarded a fellowship under this*  
13                  *subpart at such institution, an institutional allow-*  
14                  *ance. Except as provided in subparagraph (B), such*  
15                  *allowance shall be, for academic year 2009–2010 and*  
16                  *succeeding academic years, the same amount as the*  
17                  *institutional payment made for academic year 2008–*  
18                  *2009, adjusted for academic year 2009–2010 and an-*  
19                  *nually thereafter in accordance with inflation as de-*  
20                  *termined by the Department of Labor’s Consumer*  
21                  *Price Index for All Urban Consumers for the previous*  
22                  *calendar year.”.*

23                  (e) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
24                  705 (20 U.S.C. 1134d) is amended by striking “1999” and  
25                  inserting “2009”.

1 **SEC. 702. GRADUATE ASSISTANCE IN AREAS OF NATIONAL**  
2 **NEED.**

3 (a) *DESIGNATION OF AREAS OF NATIONAL NEED; PRI-*  
4 *ORITY.*—Section 712 (20 U.S.C. 1135a) is amended—

5 (1) *by amending subsection (b) to read as fol-*  
6 *lows:*

7 “(b) *DESIGNATION OF AREAS OF NATIONAL NEED.*—  
8 *After consultation with appropriate Federal and nonprofit*  
9 *agencies and organizations, including the National Science*  
10 *Foundation, the Department of Defense, the Department of*  
11 *Homeland Security, the National Academy of Sciences, and*  
12 *the Bureau of Labor Statistics, the Secretary shall designate*  
13 *areas of national need. In making such designations, the*  
14 *Secretary shall take into consideration—*

15 “(1) *the extent to which the interest in the area*  
16 *is compelling;*

17 “(2) *the extent to which other Federal programs*  
18 *support postbaccalaureate study in the area con-*  
19 *cerned;*

20 “(3) *an assessment of how the program may*  
21 *achieve the most significant impact with available re-*  
22 *sources;*

23 “(4) *an assessment of current and future profes-*  
24 *sional workforce needs of the United States; and*

25 “(5) *the priority described in subsection (c).”;*  
26 *and*

1           (2) *by adding at the end the following new sub-*  
2       *section:*

3       “(c) *PRIORITY.—The Secretary shall establish a pri-*  
4       *ority for grants in order to prepare individuals for the pro-*  
5       *fessorate who will train highly qualified elementary and*  
6       *secondary mathematics and science teachers, special edu-*  
7       *cation teachers, and teachers who provide instruction for*  
8       *limited English proficient individuals. Such grants shall*  
9       *offer program assistance and graduate fellowships for—*

10           “(1) *post baccalaureate study related to teacher*  
11       *preparation and pedagogy in mathematics and*  
12       *science for students who have completed a master’s de-*  
13       *gree or are pursuing a doctorate of philosophy in*  
14       *mathematics or science;*

15           “(2) *post baccalaureate study related to teacher*  
16       *preparation and pedagogy in special education and*  
17       *English language acquisition and academic pro-*  
18       *ficiency for limited English proficient individuals;*  
19       *and*

20           “(3) *support of dissertation research in the fields*  
21       *of mathematics, science, special education, or second*  
22       *language pedagogy and second language acquisition.”.*

23       (b) *COLLABORATION REQUIRED FOR CERTAIN APPLI-*  
24       *CATIONS.—Section 713(b) (20 U.S.C. 1135b) is amended—*



1           (1) *by striking “and” at the end of paragraph*  
2           (9);

3           (2) *by redesignating paragraph (10) as para-*  
4           *graph (11); and*

5           (3) *by inserting after paragraph (9) the fol-*  
6           *lowing new paragraph:*

7           “(10) *in the case of an application from a de-*  
8           *partment, program, or unit in education or teacher*  
9           *preparation, provide assurances that such depart-*  
10          *ment, program, or unit will collaborate with depart-*  
11          *ments, programs, or units in all content areas to en-*  
12          *sure a successful combination of training in both*  
13          *teaching and such content; and”.*

14          (c) *STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b))*  
15          *is amended—*

16               (1) *by striking “1999–2000” and inserting*  
17               *“2009–2010”; and*

18               (2) *by striking “Foundation graduate fellow-*  
19               *ships” and inserting “Foundation Graduate Research*  
20               *Fellowship Program on February 1 of such academic*  
21               *year”.*

22          (d) *ADDITIONAL ASSISTANCE.—Section 715(a)(1) (20*  
23          *U.S.C. 1135d(a)(1)) is amended—*

24               (1) *by striking “1999–2000” and inserting*  
25               *“2009–2010”;*

1           (2) *by striking “1998–1999” and inserting*  
 2           *“2008–2009”; and*

3           (3) *by inserting “for All Urban Consumers”*  
 4           *after “Price Index”.*

5           (e) *AUTHORIZATION OF APPROPRIATIONS.—Section*  
 6           *716 (20 U.S.C. 1135e) is amended by striking “1999” and*  
 7           *inserting “2009”.*

8           (f) *TECHNICAL AMENDMENTS.—Section 714(c) (20*  
 9           *U.S.C. 1135c(c)) is amended—*

10           (1) *by striking “section 716(a)” and inserting*  
 11           *“section 715(a)”;* *and*

12           (2) *by striking “section 714(b)(2)” and inserting*  
 13           *“section 713(b)(2)”.*

14   **SEC. 703. THURGOOD MARSHALL LEGAL EDUCATIONAL OP-**  
 15           **PORTUNITY PROGRAM.**

16           (a) *PROGRAM AUTHORITY.—Section 721(a) (20 U.S.C.*  
 17           *1136(a)) is amended—*

18           (1) *by inserting “middle and high school” after*  
 19           *“disadvantaged”; and*

20           (2) *by striking the period at the end of the sen-*  
 21           *tence and inserting “and admission to law practice.”.*

22           (b) *ELIGIBILITY.—Section 721(b) (20 U.S.C. 1136(b))*  
 23           *is amended by inserting “middle and high school or” before*  
 24           *“college student”.*

1       (c) *CONTRACT AND GRANT PURPOSES.*—Section 721(c)  
2   (20 U.S.C. 1136(c)) is amended—

3           (1) by inserting “middle and high school stu-  
4       dents” after “identify” in paragraph (1);

5           (2) by amending paragraph (2) to read as fol-  
6       lows:

7           “(2) to prepare such students for study at ac-  
8       credited law schools and assist them with the develop-  
9       ment of analytical skills and study methods to en-  
10      hance their success and promote completion of law  
11      school;”;

12          (3) by striking “and” at the end of paragraph  
13      (4);

14          (4) by striking the period at the end of para-  
15      graph (5) and inserting “; and”; and

16          (5) by adding at the end the following new para-  
17      graph:

18           “(6) to award Thurgood Marshall Fellowships to  
19      eligible law school students—

20           “(A) who participated in summer institutes  
21      authorized by subsection (d) and who are en-  
22      rolled in an accredited law school; or

23           “(B) who are eligible law school students  
24      who have successfully completed a comparable

1           *summer institute program certified by the Coun-*  
 2           *cil on Legal Educational Opportunity.”.*

3           (d) *SERVICES PROVIDED.—Section 721(d)(1)(D) (20*  
 4           *U.S.C. 1136(d)(1)(D)) is amended by inserting “in analyt-*  
 5           *ical skills and study methods” after “courses”.*

6           (e) *AUTHORIZATION OF APPROPRIATIONS.—Section*  
 7           *721(h) (20 U.S.C. 1136(h)) is amended by striking “1999”*  
 8           *and inserting “2009”.*

9           (f) *GENERAL PROVISIONS.—Subsection (e) of section*  
 10          *731 (20 U.S.C. 1137(e)) is repealed.*

11   **SEC. 704. PATSY T. MINK FELLOWSHIP PROGRAM.**

12          *Part A of title VII (20 U.S.C. 1134) is further amend-*  
 13          *ed—*

14               (1) *by redesignating subpart 4 as subpart 5;*

15               (2) *in the heading of section 731, by striking*  
 16               **“SUBPARTS 1, 2, AND 3”** *and inserting “SUB-*  
 17               **PARTS 1 THROUGH 4”;**

18               (3) *in subsections (a) and (b) of section 731, by*  
 19               *striking “subparts 1, 2, and 3” each place it appears*  
 20               *and inserting “subparts 1 through 4”;*

21               (4) *in subsection (d) of such section, by striking*  
 22               *“subpart 1, 2, or 3” and inserting “subpart 1, 2, 3,*  
 23               *or 4”; and*

24               (5) *by inserting after subpart 3 the following*  
 25               *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 subpart*  
 5       *to provide a program of fellowship awards to assist*  
 6       *highly qualified minorities and women to acquire the*  
 7       *terminal master’s degree or the doctorate degree in*  
 8       *academic areas in which such individuals are under-*  
 9       *represented for the purpose of entering the higher edu-*  
 10       *cation professoriate.*

11              “(2) *ELIGIBLE INSTITUTIONS.*—*For purposes of*  
 12       *this subpart, the term ‘eligible institution’ means an*  
 13       *institution of higher education, or a consortium of*  
 14       *such institutions, that offers a program of post bacca-*  
 15       *laureate 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 high-*  
 25       *er education to enable such institutions to make*

1        *fellowship awards to qualified students in ac-*  
2        *cordance with the provisions of this subpart.*

3                “(B) *PRIORITY CONSIDERATION.*—*In mak-*  
4        *ing grant awards under this subpart, the Sec-*  
5        *retary shall consider the applicant institution’s*  
6        *prior experience in producing doctorates and ter-*  
7        *minal master’s degree holders who are minorities*  
8        *and females, and shall give priority consider-*  
9        *ation in making grants under this subpart to*  
10       *those institutions with a demonstrated record of*  
11       *producing minorities and women who have*  
12       *earned such degrees.*

13               “(2) *DISTRIBUTION AND AMOUNTS OF GRANTS.*—

14               “(A) *EQUITABLE DISTRIBUTION.*—*In mak-*  
15       *ing such grants the Secretary shall, to the max-*  
16       *imum extent feasible, ensure an equitable geo-*  
17       *graphic distribution of awards and an equitable*  
18       *distribution among eligible public and private*  
19       *institutions of higher education that apply for*  
20       *grants under this subpart and that demonstrate*  
21       *the ability to achieve the purpose of this subpart.*

22               “(B) *SPECIAL RULE.*—*To the maximum ex-*  
23       *tent practical, the Secretary shall award at least*  
24       *50 percent of the amount appropriated under*  
25       *this subpart to institutions of higher education*

1        *eligible for assistance under titles III and V, or*  
2        *to consortia composed of otherwise eligible insti-*  
3        *tutions of higher education and such minority-*  
4        *serving institutions.*

5                “(C) *ALLOCATION.*—*In making such grants*  
6        *the Secretary shall, consistent with subpara-*  
7        *graphs (A) and (B), allocate appropriated funds*  
8        *to those institutions whose applications indicate*  
9        *the ability to significantly increase the numbers*  
10       *of minorities and women entering the higher*  
11       *education professoriate and that commit institu-*  
12       *tional resources to the attainment of the purpose*  
13       *of this subpart. No grant made under this sub-*  
14       *part shall support fewer than fifteen degree can-*  
15       *didates consistent with subsection (d)(2).*

16               “(D) *REALLOTMENT.*—*Whenever the Sec-*  
17       *retary determines that an institution of higher*  
18       *education is unable to utilize all of the amounts*  
19       *made available to it under this subpart, the Sec-*  
20       *retary shall, on such dates during the fiscal year*  
21       *as the Secretary may determine, reallocate such*  
22       *unused amounts to institutions which dem-*  
23       *onstrate that they can use any reallocated grant*  
24       *funds to make fellowship awards to qualified in-*  
25       *dividuals under this subpart.*

1 “(c) *APPLICATIONS.*—

2 “(1) *APPLICATIONS REQUIRED.*—Any eligible in-  
3 stitution of higher education offering a program of  
4 post baccalaureate study leading to a graduate degree  
5 that meets the purpose of this subpart may apply for  
6 a grant. Each such institution, or consortium of eligi-  
7 ble institutions (including those institutions specified  
8 in subsection (b)(2)(B)) may make an application to  
9 the Secretary at such time, in such manner, and con-  
10 taining or accompanied by such information as the  
11 Secretary may reasonably require.

12 “(2) *SELECTION OF APPLICATIONS.*—In selecting  
13 applications for the making grants to institutions of  
14 higher education, the Secretary shall—

15 “(A) take into account the number and dis-  
16 tribution of minority and female faculty nation-  
17 ally, as well as the current and projected need  
18 for highly trained individuals—

19 “(i) in all areas of the higher edu-  
20 cation professoriate; and

21 “(ii) in academic career fields in  
22 which minorities and women are underrep-  
23 resented in the higher education professo-  
24 riate; and



1           “(B) consider the need to prepare a larger  
2           number of minorities and women generally in  
3           academic career fields of high national priority,  
4           especially in areas in which such individuals are  
5           traditionally underrepresented in college and  
6           university faculties.

7           “(d) *FELLOWSHIP TERMS AND CONDITIONS.*—

8           “(1) *SELECTION OF FELLOWS.*—

9           “(A) *ELIGIBLE APPLICANTS.*—The Sec-  
10          retary shall assure that, in awarding fellowships  
11          from funds made available under this subpart,  
12          grantee institutions make fellowship awards to  
13          individuals who plan to pursue a career in in-  
14          struction at any institution of higher education  
15          that is eligible to participate in title IV pro-  
16          grams.

17          “(B) *ACADEMIC PROGRESS.*—Notwith-  
18          standing subparagraph (A), no otherwise eligible  
19          student selected for support shall receive a fellow-  
20          ship award—

21                 “(i) during periods in which such stu-  
22                 dent is enrolled, unless such student is  
23                 maintaining satisfactory academic progress  
24                 in, and devoting full-time to, study or re-

1           *search in the pursuit of the degree for which*  
 2           *the fellowship support was awarded; or*

3           “(ii) *if the student is engaged in gain-*  
 4           *ful employment, other than part-time em-*  
 5           *ployment related to teaching, research, or a*  
 6           *similar activity determined by the institu-*  
 7           *tion to be consistent with and supportive of*  
 8           *the student’s progress toward the appro-*  
 9           *priate degree.*

10          “(2) *SERVICE REQUIREMENT.—*

11           “(A) *TEACHING REQUIRED.—Each Patsy T.*  
 12           *Mink Graduate Fellow who earns the doctoral or*  
 13           *terminal master’s degree with assistance pro-*  
 14           *vided under this subpart shall teach at an eligi-*  
 15           *ble institution for one year for each year of fel-*  
 16           *lowship assistance received under this subpart.*

17           “(B) *INSTITUTIONAL OBLIGATION.—Each*  
 18           *institution which receives an award from the*  
 19           *Secretary under this subpart shall provide an as-*  
 20           *surance that it has inquired of and determined*  
 21           *the fellowship recipient’s decision to, within 3*  
 22           *years of receiving the doctorate or terminal mas-*  
 23           *ter’s degree, begin employment at an eligible in-*  
 24           *stitution of higher education as required by this*  
 25           *subpart.*

1           “(C) *AGREEMENT REQUIRED.*—Prior to re-  
2           ceiving the initial fellowship award, and upon  
3           the annual renewal of the fellowship award, a  
4           fellow shall sign an agreement with the Secretary  
5           memorializing this commitment to enter the pro-  
6           fessoriate.

7           “(D) *CONSEQUENCES OF FAILURE.*—If a  
8           fellowship recipient fails to honor the service re-  
9           quirement of this subsection, the Secretary  
10          shall—

11               “(i) require the individual to repay all  
12               or the applicable portion of the total fellow-  
13               ship amount awarded to the individual by  
14               converting the balance due to a loan at the  
15               interest rate applicable to loans made under  
16               part B of title IV; or

17               “(ii) require the individual to pay an  
18               amount determined by the Secretary to be  
19               appropriate, except as provided in subpara-  
20               graph (E).

21           “(E) *MODIFIED SERVICE REQUIREMENT.*—  
22           The Secretary may waive or modify the service  
23           requirement of this paragraph based on regula-  
24           tions, promulgated pursuant to and consistent  
25           with criteria which determine the circumstances

1        *under which compliance with the service obliga-*  
2        *tion by the fellowship recipient would be inequi-*  
3        *table and represent a substantial hardship. The*  
4        *Secretary may waive the service requirement*  
5        *if—*

6                *“(i) compliance by the fellowship re-*  
7                *ipient would be deemed impossible because*  
8                *the individual is permanently and totally*  
9                *disabled at the time of the waiver request;*  
10              *or*

11              *“(ii) compliance by the fellowship re-*  
12              *ipient is based on documentation presented*  
13              *to the Secretary of substantial economic or*  
14              *personal hardship, as determined in accord-*  
15              *ance with regulations prescribed by the Sec-*  
16              *retary.*

17        *“(3) AMOUNT OF FELLOWSHIP AWARDS.—*

18              *“(A) IN GENERAL.—From the grants made*  
19              *pursuant to this subpart, eligible institutions*  
20              *shall award stipends to individuals who are*  
21              *awarded fellowships under this subpart. Such*  
22              *stipends shall reflect the purpose of the program*  
23              *authorized by this subpart to encourage highly*  
24              *qualified minorities and women to pursue grad-*

1       uate study for the purpose of entering the higher  
2       education professoriate.

3               “(B) AWARDS BASED ON NEED.—Stipends  
4       shall be in an amount equal to the level of sup-  
5       port provided by the National Science Founda-  
6       tion graduate fellowships, except that such sti-  
7       pend shall be adjusted as necessary so as not to  
8       exceed the fellow’s demonstrated need as deter-  
9       mined by the institution of higher education  
10      where the graduate student is enrolled.

11      “(4) INSTITUTIONAL PAYMENTS.—

12              “(A) IN GENERAL.—The Secretary shall, in  
13      addition to the amounts made available to insti-  
14      tutions for stipends to individuals under this  
15      subpart, pay to grantee institutions of higher  
16      education, for each individual awarded a fellow-  
17      ship under this subpart at such institution, an  
18      institutional allowance. Except as provided for  
19      in subparagraph (C), such allowance shall be, for  
20      academic year 2009–2010 and succeeding aca-  
21      demic years, the same as the institutional pay-  
22      ment made for that year under the Graduate As-  
23      sistance in Areas of National Need program in  
24      subpart 2 of part A, and shall be adjusted annu-  
25      ally thereafter in accordance with inflation as

1       *determined by the Department of Labor’s Con-*  
2       *sumer Price Index for All Urban Consumers for*  
3       *the previous calendar year.*

4               “(B) *USE OF FUNDS.—Institutional pay-*  
5       *ments may be expended at the discretion of the*  
6       *institution, except that such funds shall be used*  
7       *to provide academic support and career transi-*  
8       *tion services for participating fellows.*

9               “(C) *REDUCTION.—The institutional allow-*  
10       *ance paid under subparagraph (A) shall be re-*  
11       *duced by the amount the institution charges and*  
12       *collects from a fellowship recipient for tuition*  
13       *and other expenses as part of the institution’s in-*  
14       *structional program.*

15              “(D) *USE FOR OVERHEAD PROHIBITED.—*  
16       *Funds made available pursuant to this subpart*  
17       *may not be used for general operational overhead*  
18       *of the academic department or institution receiv-*  
19       *ing such funds.*

20              “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
21       *authorized to appropriated to carry out this subpart such*  
22       *sums as may be necessary for fiscal year 2009 and for each*  
23       *of the 4 succeeding fiscal years.”.*

1 **SEC. 705. FUND FOR THE IMPROVEMENT OF POSTSEC-**  
2 **ONDARY EDUCATION.**

3 (a) *CONTRACT AND GRANT PURPOSES.*—Section  
4 741(a) (20 U.S.C. 1138(a)) is amended—

5 (1) *by amending paragraph (1) to read as fol-*  
6 *lows:*

7 “(1) *the encouragement of the reform and im-*  
8 *provement of, and innovation in, postsecondary edu-*  
9 *cation and the provision of educational opportunity*  
10 *for all, especially for the non-traditional student pop-*  
11 *ulations;”;*

12 (2) *in paragraph (2), by inserting before the*  
13 *semicolon at the end the following: “for postsecondary*  
14 *students, especially institutions, programs, and joint*  
15 *efforts that provide academic credit for programs”;*

16 (3) *by amending paragraph (3) to read as fol-*  
17 *lows:*

18 “(3) *the establishment of institutions and pro-*  
19 *grams based on the technology of communications, in-*  
20 *cluding delivery by distance education;”;*

21 (4) *by amending paragraph (6) to read as fol-*  
22 *lows:*

23 “(6) *the introduction of institutional reforms de-*  
24 *signed to expand individual opportunities for enter-*  
25 *ing and reentering postsecondary institutions and*

1       *pursuing programs of postsecondary study tailored to*  
2       *individual needs;”;*

3               *(5) by striking “and” at the end of paragraph*  
4       *(7);*

5               *(6) by striking the period at the end of para-*  
6       *graph (8) and inserting a semicolon; and*

7               *(7) by adding at the end the following new para-*  
8       *graphs:*

9               *“(9) the assessment, in partnership with a public*  
10       *or private nonprofit institution or agency, of the per-*  
11       *formance of teacher preparation programs within in-*  
12       *stitutions of higher education in a State, using an as-*  
13       *essment which provides comparisons across such in-*  
14       *stitutions within the State based upon indicators in-*  
15       *cluding teacher candidate knowledge in subject areas*  
16       *in which such candidate has been prepared to teach;*

17               *“(10) the support of efforts to establish pilot pro-*  
18       *grams and initiatives to help college campuses reduce*  
19       *illegal downloading of copyrighted content, in order*  
20       *to improve the security and integrity of campus com-*  
21       *puter networks and save bandwidth costs;*

22               *“(11) the support of increased fire safety in stu-*  
23       *dent housing—*



1           “(A) by establishing a demonstration incen-  
2           tive program for qualified student housing in in-  
3           stitutions of higher education;

4           “(B) by making grants for the purpose of  
5           installing fire alarm detection, prevention, and  
6           protection technologies in student housing, dor-  
7           mitories, and other buildings controlled by such  
8           entities; and

9           “(C) by requiring, as a condition of such  
10          grants—

11               “(i) that such technologies be installed  
12               professionally to technical standards of the  
13               National Fire Protection Association; and

14               “(ii) that the recipient shall provide  
15               non-Federal matching funds in an amount  
16               equal to the amount of the grant;

17          “(12) the assessment, in partnership with a con-  
18          sortium of higher education organizations, of the fea-  
19          sibility and potential design of an inter-institution  
20          monitoring organization on gender and racial equal-  
21          ity in campus faculty and administration;

22          “(13) the provision of support and assistance to  
23          partnerships between institutions of higher education  
24          and secondary schools with at least 10 percent of their  
25          enrollment assessed as late-entering limited English

1     *proficient students to establish programs that result*  
2     *in increased secondary school graduation rates of lim-*  
3     *ited English proficient students and that increase the*  
4     *number of eligible late-entering limited English pro-*  
5     *ficient students who pursue postsecondary education*  
6     *opportunities;*

7             *“(14) the provision of support and assistance for*  
8     *demonstration projects to provide comprehensive sup-*  
9     *port services to ensure that homeless students, or stu-*  
10    *dents who were in foster care until the age of 18, en-*  
11    *roll and succeed in postsecondary education, includ-*  
12    *ing providing housing to such students during periods*  
13    *when housing at the institution of higher education is*  
14    *closed or generally unavailable to other students;*

15            *“(15) the support of efforts to work with organi-*  
16    *zations that are exempt from taxation under section*  
17    *501(c)(3) of the Internal Revenue Code of 1986 and*  
18    *institutions of higher education that seek to promote*  
19    *cultural diversity in the entertainment media indus-*  
20    *try including through the training of students in pro-*  
21    *duction, marketing, and distribution of culturally rel-*  
22    *evant content; and*

23            *“(16) the creation of consortia that join diverse*  
24    *institutions of higher education to design and offer*  
25    *curricular and co-curricular interdisciplinary pro-*

grams 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.

1           “(2) *ELIGIBLE STUDENTS.*—*In this subsection,*  
2       *the term ‘eligible student’ means an individual who*  
3       *is—*

4           “(A)(i) *a dependent student who is a child*  
5       *of—*

6           “(I) *an individual who is—*

7           “(aa) *serving on active duty dur-*  
8       *ing a war or other military operation*  
9       *or national emergency (as defined in*  
10      *section 481); or*

11          “(bb) *performing qualifying Na-*  
12      *tional Guard duty during a war or*  
13      *other military operation or national*  
14      *emergency (as defined in section 481);*  
15      *or*

16          “(II) *a veteran who died while serving*  
17      *or performing, as described in subclause (I),*  
18      *since September 11, 2001, or has been dis-*  
19      *abled while serving or performing, as de-*  
20      *scribed in subclause (I), as a result of such*  
21      *event; or*

22          “(ii) *an independent student who—*

23          “(I) *is a spouse of an individual who*  
24      *is—*

1                   “(aa) serving on active duty dur-  
2                   ing a war or other military operation  
3                   or national emergency (as defined in  
4                   section 481); or

5                   “(bb) performing qualifying Na-  
6                   tional Guard duty during a war or  
7                   other military operation or national  
8                   emergency (as defined in section 481);  
9                   or

10                  “(II) was (at the time of the death of  
11                  the veteran) a spouse of a veteran who died  
12                  while serving or performing, as described in  
13                  subclause (I), since September 11, 2001, or  
14                  has been disabled while serving or per-  
15                  forming, as described in subclause (I), as a  
16                  result of such event; and

17                  “(B) enrolled as a full-time or part-time  
18                  student at an institution of higher education (as  
19                  defined in section 102).

20                  “(3) AWARDING OF SCHOLARSHIPS.—Scholar-  
21                  ships awarded under this subsection shall be awarded  
22                  based on need with priority given to eligible students  
23                  who are eligible to receive Federal Pell Grants under  
24                  subpart 1 of part A of title IV.

1           “(4) *MAXIMUM SCHOLARSHIP AMOUNT.*—*The*  
 2           *maximum scholarship amount awarded to an eligible*  
 3           *student under this subsection for an academic year*  
 4           *shall be the lesser of—*

5                     “(A) *the difference between the eligible stu-*  
 6                     *dent’s cost of attendance (as defined in section*  
 7                     *472) and any non-loan based aid such student*  
 8                     *receives; or*

9                     “(B) *\$5,000.*

10           “(5) *AMOUNTS FOR SCHOLARSHIPS.*—*All of the*  
 11           *amounts appropriated to carry out this subsection for*  
 12           *a fiscal year shall be used for scholarships awarded*  
 13           *under this subsection, except that a nonprofit organi-*  
 14           *zation receiving a contract under this subsection may*  
 15           *use not more than 1 percent of such amounts for the*  
 16           *administrative costs of the contract.*

17           “(d) *CENTER FOR BEST PRACTICES TO SUPPORT SIN-*  
 18           *GLE PARENT STUDENTS.*—

19                     “(1) *PROGRAM AUTHORIZED.*—*The Secretary is*  
 20                     *authorized to award 1 grant or contract to an institu-*  
 21                     *tion of higher education to enable such institution to*  
 22                     *establish and maintain a center to study and develop*  
 23                     *best practices for institutions of higher education to*  
 24                     *support single parents who are also students attend-*  
 25                     *ing such institutions.*

1           “(2) *INSTITUTION REQUIREMENTS.*—*The Sec-*  
2           *retary shall award the grant or contract under this*  
3           *subsection to a 4-year institution of higher education*  
4           *that has demonstrated expertise in the development of*  
5           *programs to assist single parents who are students at*  
6           *institutions of higher education, as shown by the in-*  
7           *stitution’s development of a variety of targeted serv-*  
8           *ices to such students, including on-campus housing,*  
9           *child care, counseling, advising, internship opportu-*  
10          *nities, financial aid, and financial aid counseling*  
11          *and assistance.*

12          “(3) *CENTER ACTIVITIES.*—*The center funded*  
13          *under this section shall—*

14               “(A) *assist institutions implementing inno-*  
15               *vative programs that support single parents pur-*  
16               *suing higher education;*

17               “(B) *study and develop an evaluation pro-*  
18               *tocol for such programs that includes quan-*  
19               *titative and qualitative methodologies;*

20               “(C) *provide appropriate technical assist-*  
21               *ance regarding the replication, evaluation, and*  
22               *continuous improvement of such programs; and*

23               “(D) *develop and disseminate best practices*  
24               *for such programs.”.*

1       (c) *PROHIBITION*.—Section 741 is further amended by  
 2 adding after subsection (d) (as added by subsection (b) of  
 3 this section) the following new subsection:

4       “(e) *PROHIBITION*.—No funds made available under  
 5 this part may be used to provide financial assistance to  
 6 students who do not meet the requirements of section  
 7 484(a)(5).”.

8       (d) *TECHNICAL AMENDMENTS*.—Part B of title VII  
 9 (20 U.S.C. 1038 et seq.) is further amended—

10           (1) in section 742 (20 U.S.C. 1138a)—

11                   (A) in subsection (b)—

12                           (i) by striking “(1) *IN GENERAL*.—”;

13                           and

14                           (ii) by striking paragraph (2);

15                   (B) in subsection (c), by striking “and the  
 16 Director” each place it appears; and

17                   (C) in subsection (d), by striking “Director”  
 18 and inserting “Secretary”;

19           (2) in section 743 (20 U.S.C. 1138b)—

20                   (A) by striking “(a) *TECHNICAL EMPLOY-*  
 21 *EES*.—”; and

22                   (B) by striking subsection (b); and

23           (3) in section 744(a) (20 U.S.C. 1138c(a)), by  
 24 striking “Director” each place it appears and insert-  
 25 ing “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 fol-  
3   lowing:

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 demo-*  
13      *cratic institutions of which American democracy is a*  
14      *part; and significant events and individuals in the*  
15      *history of the United States).”.*

16       (f) *AUTHORIZATION OF APPROPRIATIONS*.—Section  
17   745 (20 U.S.C. 1138d) is amended by striking “\$30,000,000  
18   for fiscal year 1999” and inserting “\$40,000,000 for fiscal  
19   year 2009”.

20   **SEC. 706. URBAN-SERVING RESEARCH UNIVERSITIES.**

21       Part C of title VII (20 U.S.C. 1139 et seq.) is amended  
22   to read as follows:

1           **“PART C—URBAN-SERVING RESEARCH**

2                           **UNIVERSITIES**

3   **“SEC. 751. PURPOSE; PROGRAM AUTHORIZED.**

4           “(a) *PURPOSE.*—*It is the purpose of this part to pro-*  
5 *vide incentives to urban-serving research universities to en-*  
6 *able such universities to expand research knowledge and to*  
7 *develop and implement initiatives in partnership with com-*  
8 *munity-based organizations and other public or nonprofit*  
9 *private entities to strengthen city economies, foster innova-*  
10 *tion and opportunity, and solve urban challenges.*

11          “(b) *PROGRAM AUTHORIZED.*—*The Secretary is au-*  
12 *thorized to award grants to urban-serving research univer-*  
13 *sities to enable such universities to carry out the activities*  
14 *described in section 753 in accordance with the provisions*  
15 *of this part.*

16   **“SEC. 752. APPLICATION FOR URBAN-SERVING RESEARCH**  
17                           **UNIVERSITY GRANTS.**

18          “(a) *APPLICATION.*—*An urban-serving research uni-*  
19 *versity seeking assistance under this part shall submit to*  
20 *the Secretary an application at such time, in such manner,*  
21 *and containing such information as the Secretary may rea-*  
22 *sonably require.*

23          “(b) *PRIORITY IN SELECTION OF APPLICATIONS.*—*The*  
24 *Secretary shall give priority to applications that propose*  
25 *to conduct joint projects supported by Federal, State, and*  
26 *local programs other than the program under this Act. In*

1 *addition, the Secretary shall give priority to urban-serving*  
2 *research universities with a demonstrated record of effective*  
3 *engagement in serving the communities in which such uni-*  
4 *versities are located.*

5 **“SEC. 753. ALLOWABLE ACTIVITIES.**

6 *“An urban-serving research university shall use funds*  
7 *awarded under this part to further develop and apply re-*  
8 *search findings to the development, implementation, and*  
9 *ongoing evaluation of—*

10 *“(1) systemic initiatives with elementary and*  
11 *secondary schools and other educational organizations*  
12 *designed to—*

13 *“(A) improve teacher quality and retention;*  
14 *or*

15 *“(B) develop strategies to improve postsec-*  
16 *ondary and workplace readiness, particularly in*  
17 *fields related to science, technology, engineering,*  
18 *and mathematics;*

19 *“(2) innovative economic revitalization efforts in*  
20 *conjunction with community-based organizations and*  
21 *other public or nonprofit private entities; or*

22 *“(3) public health outreach, education, and*  
23 *intervention activities designed to reduce health dis-*  
24 *parities in urban areas, in partnership with commu-*

1        *nity-based organizations and other public or non-*  
 2        *profit private entities.*

3        **“SEC. 754. DEFINITIONS.**

4        *“As used in this part:*

5                *“(1) URBAN AREA.—The term ‘urban area’*  
 6        *means a city with a population of not less than*  
 7        *200,000 within a metropolitan statistical area.*

8                *“(2) URBAN-SERVING RESEARCH UNIVERSITY.—*  
 9        *The term ‘urban-serving research university’ means a*  
 10        *public institution of higher education that—*

11                *“(A) meets the requirements of section 101;*

12                *“(B) is located in an urban area;*

13                *“(C) has the capacity to conduct applicable*  
 14        *research, as demonstrated by awarding more*  
 15        *than 10 doctoral degrees per academic year;*

16                *“(D) draws a substantial portion of its stu-*  
 17        *dents from the urban area in which such institu-*  
 18        *tion is located; and*

19                *“(E) has demonstrated and sustained a*  
 20        *sense of responsibility to such urban area and*  
 21        *the people of such area.*

22        **“SEC. 755. AUTHORIZATION OF APPROPRIATIONS.**

23        *“There are authorized to be appropriated to carry out*  
 24        *this part \$50,000,000 for fiscal year 2009 and such sums*

1 *as may be necessary for each of the 4 succeeding fiscal*  
2 *years.”.*

3 **SEC. 707. PROGRAMS TO ENSURE STUDENTS WITH DISABIL-**  
4 **ITIES RECEIVE A QUALITY HIGHER EDU-**  
5 **CATION.**

6 *(a) SERVING ALL STUDENTS WITH DISABILITIES.—*  
7 *Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking*  
8 *“students with learning disabilities” and inserting “stu-*  
9 *dents with disabilities”.*

10 *(b) AUTHORIZED ACTIVITIES.—*

11 *(1) AMENDMENT.—Section 762(b)(2) is amend-*  
12 *ed—*

13 *(A) in subparagraph (A)—*

14 *(i) by inserting “, including methods*  
15 *and strategies consistent with the principles*  
16 *of universal design for learning” after*  
17 *“strategies”; and*

18 *(ii) by inserting “in order to improve*  
19 *retention and completion” after “disabil-*  
20 *ities”;*

21 *(B) by redesignating subparagraphs (B)*  
22 *and (C) as subparagraphs (C) and (F), respec-*  
23 *tively;*

24 *(C) by inserting after subparagraph (A) the*  
25 *following new subparagraph:*

1           “(B) *EFFECTIVE TRANSITION PRACTICES.*—  
2           *The development of innovative, effective, and effi-*  
3           *cient teaching methods and strategies to ensure*  
4           *the smooth transition of students with disabil-*  
5           *ities from high school to postsecondary edu-*  
6           *cation.*”; and

7           (D) by inserting after subparagraph (C) (as  
8           redesignated by subparagraph (B) of this para-  
9           graph) the following new subparagraphs:

10           “(D) *DISTANCE LEARNING.*—*The develop-*  
11           *ment of innovative, effective, and efficient teach-*  
12           *ing methods and strategies to provide faculty*  
13           *and administrators with the ability to provide*  
14           *accessible distance education programs or classes*  
15           *that would enhance access of students with dis-*  
16           *abilities to higher education, including the use of*  
17           *accessible electronic communication for instruc-*  
18           *tion and advisement.*

19           “(E) *ACCESSIBILITY OF EDUCATION.*—*Mak-*  
20           *ing postsecondary education more accessible to*  
21           *students with disabilities through the use of ac-*  
22           *cessible instructional materials and curriculum*  
23           *development, consistent with the principles of*  
24           *universal design for learning.*”.

1           (2) *REPORT*.—Section 762 is further amended by  
2           adding at the end the following new subsection:

3           “(d) *REPORT*.—Not later than 3 years after the date  
4           of enactment of the College Opportunity and Affordability  
5           Act of 2007, the Secretary shall prepare and disseminate  
6           a report reviewing the activities of the demonstration  
7           projects authorized under this subpart and providing guid-  
8           ance and recommendations on how successful projects can  
9           be replicated.”.

10           (3) *CONFORMING AMENDMENT*.—Section  
11           762(b)(3) is amended by striking “subparagraphs (A)  
12           through (C)” and inserting “subparagraphs (A)  
13           through (F)”.

14           (c) *APPLICATIONS*.—Section 763 (20 U.S.C. 1140b) is  
15           amended—

16           (1) by amending paragraph (1) to read as fol-  
17           lows:

18           “(1) a description of how such institution plans  
19           to address the activities allowed under this subpart;”;

20           (2) in paragraph (2)—

21                   (A) by striking “institution to develop” and  
22                   inserting “institution, including students with  
23                   disabilities, to develop”; and

24                   (B) by striking “and” at the end;

1           (3) *by striking the period at the end of para-*  
 2           *graph (3) and inserting “; and”; and*

3           (4) *by adding at the end the following new para-*  
 4           *graph:*

5           “(4) *a description of the extent to which an in-*  
 6           *stitution will work to replicate the best practices of*  
 7           *institutions of higher education with demonstrated*  
 8           *success in serving students with disabilities.”.*

9           (d) *AUTHORIZATION OF APPROPRIATIONS FOR DEM-*  
 10          *ONSTRATION PROJECTS TO ENSURE STUDENTS WITH DIS-*  
 11          *ABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Sec-*  
 12          *tion 765 (20 U.S.C. 1140d) is amended by striking “1999”*  
 13          *and inserting “2009”.*

14          (e) *NATIONAL TECHNICAL ASSISTANCE CENTER; COM-*  
 15          *MISSION ON ACCESSIBLE MATERIALS; PROGRAMS TO SUP-*  
 16          *PORT IMPROVED ACCESS TO MATERIALS; TRANSITION PRO-*  
 17          *GRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES;*  
 18          *COORDINATING CENTER.—Part D of title VII (20 U.S.C.*  
 19          *1140 et seq.) is further amended—*

20               (1) *in the part heading, by striking “**DEM-***  
 21               ***ONSTRATION PROJECTS**” and inserting “**PRO-***  
 22               ***GRAMS**”;*

23               (2) *by inserting after the part heading the fol-*  
 24               *lowing:*



1           **“Subpart 1—Quality Higher Education”**

2           ; and

3           (3) by adding at the end the following:

4           **“Subpart 2—National Technical Assistance Center;**

5           **Commission on Accessible Materials; Programs to**

6           **Support Improved Access to Materials**

7           **“SEC. 766. NATIONAL CENTER.**

8           “(a) *PURPOSE.*—It is the purpose of this subpart to  
9           support the development of a national center to provide in-  
10          formation and technical assistance for students with dis-  
11          abilities to improve the postsecondary recruitment, reten-  
12          tion, and completion success rates of such students.

13          “(b) *ESTABLISHMENT AND SUPPORT.*—The Secretary  
14          shall, by grant, contract, or cooperative agreement with an  
15          eligible entity or partnership of two or more eligible enti-  
16          ties, provide for the establishment and support of a Na-  
17          tional Center for Information and Technical Support for  
18          Postsecondary Students with Disabilities (hereinafter in  
19          this subpart referred to as the ‘Center’) which shall carry  
20          out the duties set forth in subsection (d).

21          “(c) *ELIGIBLE ENTITY.*—In this subpart, the term ‘eli-  
22          gible entity’ means an institution of higher education or  
23          a private nonprofit organization with demonstrated exper-  
24          tise in—

25                  “(1) supporting postsecondary students with dis-  
26          abilities;

1           “(2) *technical knowledge necessary for the acces-*  
2           *sible dissemination of information; and*

3           “(3) *working with a diverse range of types of in-*  
4           *stitutions of higher education, including community*  
5           *colleges.*

6           “(d) *DUTIES.—The duties of the Center shall include*  
7           *the following:*

8           “(1) *ASSISTANCE TO STUDENTS AND FAMI-*  
9           *LIES.—The Center shall provide information and*  
10           *technical assistance to students with disabilities, their*  
11           *families, and disability support service personnel re-*  
12           *lated to practices supporting students across a broad*  
13           *spectrum of disabilities, including—*

14           “(A) *information to assist prospective stu-*  
15           *dents with disabilities in planning their postsec-*  
16           *ondary academic career while they are in middle*  
17           *and secondary school;*

18           “(B) *research-based supports, services, and*  
19           *accommodations which are available in postsec-*  
20           *ondary settings, including services provided by*  
21           *other agencies such as vocational rehabilitation;*

22           “(C) *information on student mentoring and*  
23           *networking opportunities; and*

1                   “(D) *successful recruitment and transition*  
2                   *programs in existence in postsecondary institu-*  
3                   *tions.*

4                   “(2) *ASSISTANCE TO INSTITUTIONS OF HIGHER*  
5                   *EDUCATION.—The Center shall provide information*  
6                   *and technical assistance to faculty, staff, and admin-*  
7                   *istrators of institutions of higher education to im-*  
8                   *prove the services provided to, the accommodations*  
9                   *for, the retention rates of, and the completion rates of,*  
10                  *students with disabilities in higher education settings,*  
11                  *which may include—*

12                   “(A) *collection and dissemination of prom-*  
13                   *ising practices and materials for accommodation*  
14                   *and support of students with disabilities;*

15                   “(B) *development and provision of training*  
16                   *modules for higher education faculty on exem-*  
17                   *plary practices for accommodating and sup-*  
18                   *porting students with disabilities across a range*  
19                   *of academic fields; or*

20                   “(C) *development of Internet-based tutorials*  
21                   *for faculty, including graduate teaching assist-*  
22                   *ants and new faculty, on promising practices re-*  
23                   *lated to support and retention of students with*  
24                   *disabilities in postsecondary education.*

1           “(3) *INFORMATION COLLECTION AND DISSEMINA-*  
 2           *TION.—The Center shall be responsible for building*  
 3           *and maintaining a database of disability support*  
 4           *services information with respect to institutions of*  
 5           *higher education, which shall be available to the gen-*  
 6           *eral public through a website built to the highest tech-*  
 7           *nical standards of accessibility currently practicable*  
 8           *for the broad spectrum of individuals with disabili-*  
 9           *ties. Such database and website shall include infor-*  
 10          *mation on—*

11                   “(A) *disability documentation requirements;*

12                   “(B) *support services available;*

13                   “(C) *links to financial aid;*

14                   “(D) *accommodations policies;*

15                   “(E) *accessible instructional materials;*

16                   “(F) *other topics relevant to students with*  
 17           *disabilities and prospective students with dis-*  
 18           *abilities; and*

19                   “(G) *the information in the report described*  
 20           *in paragraph (5).*

21           “(4) *PROFESSIONAL STANDARDS FOR DISABILITY*  
 22           *SUPPORT PERSONNEL.—The Center shall consolidate*  
 23           *and disseminate information with respect to profes-*  
 24           *sional standards in existence for disability support*  
 25           *services personnel and offices in institutions of higher*

1        *education and shall convene a panel of experts to cre-*  
2        *ate and disseminate professional standards for such*  
3        *personnel and offices.*

4            “(5) *REVIEW AND REPORT.*—*The Center shall*  
5        *annually prepare and disseminate a report analyzing*  
6        *the current condition of postsecondary success for stu-*  
7        *dents with disabilities. Such report shall include—*

8            “(A) *a review of the activities of the pro-*  
9        *grams authorized under ths part;*

10          “(B) *enrollment and graduation rates of*  
11        *students with disabilities in institutions of high-*  
12        *er education;*

13          “(C) *guidance on how successful postsec-*  
14        *ondary supports and services for students with*  
15        *disabilities could be widely implemented at insti-*  
16        *tutions of higher education;*

17          “(D) *guidance on how to reduce barriers to*  
18        *full participation for students with disabilities*  
19        *in higher education; and*

20          “(E) *a description of activities necessary to*  
21        *facilitate a substantial improvement in the post-*  
22        *secondary success of such students.*

23          “(e) *STAFFING OF THE CENTER.*—*The Center shall*  
24        *employ disability support personnel with proven expertise*  
25        *in providing training and technical assistance to practi-*

1 *tioners. Such personnel shall provide technical assistance*  
 2 *to individual colleges and universities seeking to provide*  
 3 *appropriate supports and services to students with disabil-*  
 4 *ities to improve enrollment, retention, and completion rates*  
 5 *of such students.*

6 **“SEC. 766A. ESTABLISHMENT OF ADVISORY COMMISSION**  
 7 **ON ACCESSIBLE INSTRUCTIONAL MATERIALS**  
 8 **IN POSTSECONDARY EDUCATION FOR STU-**  
 9 **DENTS WITH DISABILITIES.**

10 *“(a) ESTABLISHMENT.—*

11 *“(1) IN GENERAL.—The Secretary shall establish*  
 12 *a commission to be known as the Advisory Commis-*  
 13 *sion on Accessible Instructional Materials in Postsec-*  
 14 *ondary Education for Students with Disabilities, in*  
 15 *this subpart referred to as the ‘Commission’.*

16 *“(2) MEMBERSHIP.—*

17 *“(A) The Commission shall include one rep-*  
 18 *resentative of each of the following:*

19 *“(i) Department of Education Office of*  
 20 *Postsecondary Education.*

21 *“(ii) Department of Education Office*  
 22 *of Special Education and Rehabilitative*  
 23 *Services.*

24 *“(iii) Department of Education Office*  
 25 *for Civil Rights.*

1                   “(iv) *Library of Congress National*  
2                   *Digital Information and Infrastructure*  
3                   *Preservation Program Copyright Working*  
4                   *Group.*

5                   “(v) *Association on Higher Education*  
6                   *and Disability.*

7                   “(vi) *Association of American Pub-*  
8                   *lishers.*

9                   “(vii) *Association of American Univer-*  
10                  *sity Presses.*

11                  “(viii) *National Association of College*  
12                  *Stores.*

13                  “(ix) *National Council on Disability.*

14                  “(B) *The Commission shall be composed of*  
15                  *at least one but not more than two representa-*  
16                  *tives, as appointed by the Secretary, of each of*  
17                  *the following:*

18                  “(i) *Staff from institutions of higher*  
19                  *education with demonstrated experience*  
20                  *teaching or supporting students with print*  
21                  *disabilities, representing each of the fol-*  
22                  *lowing:*

23                  “(I) *Large public institution of*  
24                  *higher education.*

1                   “(II) *Small public institution of*  
2                   *higher education.*

3                   “(III) *Large private institution of*  
4                   *higher education.*

5                   “(IV) *Small private institution of*  
6                   *higher education.*

7                   “(V) *Large community college.*

8                   “(VI) *Small community college.*

9                   “(ii) *Producers of materials in special-*  
10                  *ized formats, including each of the fol-*  
11                  *lowing:*

12                   “(I) *Braille.*

13                   “(II) *Audio or synthesized speech.*

14                   “(III) *Digital media.*

15                   “(iii) *Developers of accessibility and*  
16                  *publishing software and supporting tech-*  
17                  *nologies.*

18                   “(iv) *National organizations serving*  
19                  *individuals with visual impairments that*  
20                  *have demonstrated experience in technology*  
21                  *evaluation research, academic publishing,*  
22                  *production of material in accessible formats,*  
23                  *and educational methodologies for such for*  
24                  *individuals.*



1                   “(v) *Postsecondary students with vis-*  
2                   *ual impairment.*

3                   “(vi) *Postsecondary students with dys-*  
4                   *lexia or other learning disabilities related to*  
5                   *reading.*

6                   “(vii) *Attorneys with expertise in*  
7                   *copyright law.*

8                   “(C) *The Commission shall include at least*  
9                   *two, but not more than three, representatives as*  
10                  *appointed by the Secretary, of national member-*  
11                  *ship organizations representing individuals with*  
12                  *print disabilities, including each of the fol-*  
13                  *lowing:*

14                  “(i) *Individuals with visual impair-*  
15                  *ments.*

16                  “(ii) *Individuals with learning disabil-*  
17                  *ities related to reading.*

18                  “(D) *The appointments of the members of*  
19                  *the Commission shall be made not later than 45*  
20                  *days after the date of enactment of the College*  
21                  *Opportunity and Affordability Act of 2007.*

22                  “(3) *PERIOD OF APPOINTMENT; VACANCIES.—*  
23                  *Members shall be appointed for the life of the Com-*  
24                  *mission. Any vacancy in the Commission shall not af-*

1     *fect its powers, but shall be filled in the same manner*  
 2     *as the original appointment.*

3             “(4) *INITIAL MEETING.*—*Not later than 30 days*  
 4     *after the date on which all members of the Commis-*  
 5     *sion have been appointed, the Commission shall hold*  
 6     *the Commission’s first meeting.*

7             “(5) *MEETINGS.*—*The Commission shall meet at*  
 8     *the call of the Chairperson. Meetings shall be publicly*  
 9     *announced in advance and open to the public.*

10            “(6) *QUORUM.*—*A majority of the members of*  
 11     *the Commission shall constitute a quorum, but a less-*  
 12     *er number of members may hold hearings.*

13            “(7) *CHAIRPERSON AND VICE CHAIRPERSON.*—  
 14     *The Commission shall select a chairperson and vice*  
 15     *chairperson from among the members of the Commis-*  
 16     *sion.*

17            “(b) *DUTIES OF THE COMMISSION.*—

18                 “(1) *STUDY.*—

19                     “(A) *IN GENERAL.*—*The Commission shall*  
 20     *conduct a thorough study to assess the barriers,*  
 21     *systemic issues, and technical solutions available*  
 22     *which may affect or improve the timely delivery*  
 23     *and quality of accessible instructional materials*  
 24     *for postsecondary students, faculty, and staff*  
 25     *with print disabilities, and make recommenda-*

1        *tions related to the development of a comprehen-*  
2        *sive approach that will ensure that postsec-*  
3        *ondary students with print disabilities can ac-*  
4        *cess instructional materials in specialized for-*  
5        *mats in a timeframe comparable to the avail-*  
6        *ability of standard instructional materials for*  
7        *students without disabilities.*

8                *“(B) EXISTING INFORMATION.—To the ex-*  
9        *tent practicable, in carrying out the study under*  
10       *this paragraph, the Commission shall identify*  
11       *and use existing research, recommendations, and*  
12       *information from—*

13                *“(i) the Model Demonstration Pro-*  
14       *grams to Support Improved Access to Post-*  
15       *secondary Instructional Materials for Stu-*  
16       *dents with Print Disabilities, as described*  
17       *in section 766B;*

18                *“(ii) the Advisory Council and the*  
19       *Technical Assistance and Development Cen-*  
20       *ters of the National Instructional Materials*  
21       *Access Center;*

22                *“(iii) the Library of Congress National*  
23       *Digital Information and Infrastructure*  
24       *Preservation Program Copyright Working*  
25       *Group;*

1                   “(iv) *the Association of Higher Edu-*  
2                   *cation and Disabilities E-Text Solutions*  
3                   *Working Group;*

4                   “(v) *the Recording for the Blind and*  
5                   *Dyslexic’s Technology Advisory Committee;*

6                   “(vi) *the Association of American Pub-*  
7                   *lishers Higher Education Division’s Critical*  
8                   *Issues Task Force; and*

9                   “(vii) *other existing research related to*  
10                  *the creation and distribution of accessible*  
11                  *instructional materials for students with*  
12                  *print disabilities.*

13               “(C) *RECOMMENDATIONS.—The Commis-*  
14               *sion shall develop recommendations to be used to*  
15               *inform Federal regulation and legislation, to*  
16               *identify best practices for systems of creating,*  
17               *collecting, maintaining, processing, and dissemi-*  
18               *nating materials in specialized formats to eligi-*  
19               *ble students, faculty, and staff while providing*  
20               *adequate copyright protections. In developing*  
21               *such recommendations, the Commission shall*  
22               *consider—*

23               “(i) *how to ensure that students with*  
24               *print disabilities may obtain instructional*  
25               *materials in accessible formats within a*

1           *timeframe comparable to the availability of*  
2           *materials for students without disabilities;*

3           “(ii) *the feasibility and technical pa-*  
4           *rameters of establishing national standard-*  
5           *ized electronic file formats such as, but not*  
6           *limited to, the National Instructional Mate-*  
7           *rials Accessibility Standard as defined in*  
8           *section 674(e)(3)(B) of the Individuals with*  
9           *Disabilities Education Act, to be provided*  
10          *by publishers of instructional materials to*  
11          *producers of specialized formats, institu-*  
12          *tions of higher education, and eligible stu-*  
13          *dents;*

14          “(iii) *the feasibility of the establish-*  
15          *ment of a national clearinghouse, reposi-*  
16          *tory, or file-sharing network for electronic*  
17          *files in specialized formats and files used in*  
18          *producing instructional materials in spe-*  
19          *cialized formats, and a list of possible enti-*  
20          *ties qualified to administer such a clearing-*  
21          *house, repository, or network;*

22          “(iv) *the feasibility of including such a*  
23          *national clearinghouse, repository, or file-*  
24          *sharing network in the duties of the Center*  
25          *described in section 766;*

1                   “(v) market-based solutions involving  
2                   collaborations between publishers of instruc-  
3                   tional materials, producers of specialized  
4                   formats, and institutions of higher edu-  
5                   cation, including—

6                   “(I) barriers and opportunities to  
7                   market entry;

8                   “(II) unique concerns affecting  
9                   university presses, small publishers,  
10                  and solutions incorporating such works  
11                  into a shared system; and

12                  “(III) solutions utilizing uni-  
13                  versal design;

14                  “(vi) solutions for low-incidence, high-  
15                  cost requests for materials in specialized  
16                  formats; and

17                  “(vii) definitions of instructional ma-  
18                  terials, authorized entities, and eligible stu-  
19                  dents.

20                  “(2) *REPORT.*—Not later than 24 months after  
21                  the first meeting, the Commission shall submit a re-  
22                  port to the Secretary and to Congress that shall con-  
23                  tain a detailed statement of the findings and conclu-  
24                  sions of the Commission resulting from the study  
25                  under subsection (a), together with the Commission’s

1       *recommendations for such legislation and administra-*  
2       *tive actions as the Commission considers to be appro-*  
3       *priate to implement the development of a comprehen-*  
4       *sive approach that will ensure that postsecondary stu-*  
5       *dents with print disabilities can access instructional*  
6       *materials in specialized formats in a timeframe com-*  
7       *parable to the availability of standard instructional*  
8       *materials for students without disabilities.*

9               “(3) *FACILITATION OF EXCHANGE OF INFORMA-*  
10       *TION.—In carrying out the study under subsection*  
11       *(a), the Commission shall, to the extent practicable,*  
12       *facilitate the exchange of information concerning the*  
13       *issues that are the subject of the study among—*

14               “(A) *officials of the Federal Government;*

15               “(B) *educators from Federal, State, and*  
16       *local institutions of higher education and sec-*  
17       *ondary schools;*

18               “(C) *publishers of instructional materials;*

19               “(D) *producers of materials in specialized*  
20       *formats;*

21               “(E) *representatives from the community of*  
22       *individuals with print disabilities; and*

23               “(F) *participants in the Model Demonstra-*  
24       *tion Programs to Support Improved Access to*  
25       *Postsecondary Instructional Materials for Stu-*

1           *dents with Print Disabilities, as described in sec-*  
2           *tion 766B.*

3           “(c) *COMMISSION PERSONNEL MATTERS.*—

4           “(1) *COMPENSATION OF MEMBERS.*—*Each mem-*  
5           *ber of the Commission who is not an officer or em-*  
6           *ployee of the Federal Government shall serve without*  
7           *compensation. All members of the Commission who*  
8           *are officers or employees of the United States shall*  
9           *serve without compensation in addition to that re-*  
10          *ceived for their services as officers or employees of the*  
11          *United States.*

12          “(2) *TRAVEL EXPENSES.*—*The members of the*  
13          *Commission shall be allowed travel expenses, includ-*  
14          *ing per diem in lieu of subsistence, at rates author-*  
15          *ized for employees of agencies under subchapter I of*  
16          *chapter 57 of title 5, United States Code, while away*  
17          *from their homes or regular places of business in the*  
18          *performance of services for the Commission.*

19          “(3) *STAFF.*—

20          “(A) *IN GENERAL.*—*The Chairperson of the*  
21          *Commission may, without regard to the civil*  
22          *service laws and regulations, appoint and termi-*  
23          *nate an executive director and such other addi-*  
24          *tional personnel as may be necessary to enable*  
25          *the Commission to perform the Commission’s du-*



1           *ties. The employment of an executive director*  
2           *shall be subject to confirmation by the Commis-*  
3           *sion.*

4           “(B) *COMPENSATION.*—*The Chairperson of*  
5           *the Commission may fix the compensation of the*  
6           *executive director and other personnel without*  
7           *regard to the provisions of chapter 51 and sub-*  
8           *chapter III of chapter 53 of title 5, United States*  
9           *Code, relating to classification of positions and*  
10          *General Schedule pay rates, except that the rate*  
11          *of pay for the executive director and other per-*  
12          *sonnel may not exceed the rate payable for level*  
13          *V of the Executive Schedule under section 5316*  
14          *of such title.*

15          “(4) *DETAIL OF GOVERNMENT EMPLOYEES.*—  
16          *Any Federal Government employee may be detailed to*  
17          *the Commission without reimbursement, and such de-*  
18          *tail shall be without interruption or loss of civil serv-*  
19          *ice status or privilege.*

20          “(5) *PROCUREMENT OF TEMPORARY AND INTER-*  
21          *MITTENT SERVICES.*—*The Chairperson of the Com-*  
22          *mission may procure temporary and intermittent*  
23          *services under section 3109(b) of title 5, United States*  
24          *Code, at rates for individuals that do not exceed the*  
25          *daily equivalent of the annual rate of basic pay pre-*

1       scribed for level V of the Executive Schedule under  
2       section 5316 of such title.

3       “(d) *TERMINATION OF THE COMMISSION.*—The Com-  
4       mission shall terminate on the date that is 90 days after  
5       the date on which the Commission submits the Commis-  
6       sion’s report under subsection (b)(2).

7       **“SEC. 766B. MODEL DEMONSTRATION PROGRAMS TO SUP-**  
8                   **PORT IMPROVED ACCESS TO POSTSEC-**  
9                   **ONDARY INSTRUCTIONAL MATERIALS FOR**  
10                  **STUDENTS WITH PRINT DISABILITIES.**

11       “(a) *PURPOSE.*—It is the purpose of this section to  
12       support model demonstration programs to encourage the de-  
13       velopment of systems to improve the timely delivery and  
14       quality of postsecondary instructional materials in special-  
15       ized formats to students with print disabilities, including  
16       systems to improve efficiency and reduce duplicative efforts  
17       across multiple institutions of higher education.

18       “(b) *IN GENERAL.*—The Secretary shall, on a competi-  
19       tive basis, award grants to, and enter into cooperative  
20       agreements with, a minimum of one partnership of two or  
21       more eligible entities to support the activities described in  
22       subsections (d) and (e).

23       “(c) *PARTNERSHIP OF ELIGIBLE ENTITIES.*—In this  
24       section, a partnership of two or more eligible entities—

25               “(1) shall include—

1           “(A) an institution of higher education with  
2           demonstrated expertise in meeting the needs of  
3           students with print disabilities, including reten-  
4           tion and completion of such students; and

5           “(B) a public or private entity with dem-  
6           onstrated expertise in working with the creation  
7           of accessible instructional materials in special-  
8           ized formats for postsecondary students with  
9           print disabilities, and the technical development  
10          expertise necessary for the efficient dissemination  
11          of such materials, including procedures to protect  
12          against copyright infringement with respect to  
13          the creation, use, and distribution of print course  
14          materials in specialized formats; and

15          “(2) may include one or more publishers of in-  
16          structional materials.

17          “(d) *REQUIRED ACTIVITIES.*—The Secretary shall sup-  
18          port the development and implementation of the following:

19               “(1) Processes and systems to help identify, and  
20               verify eligibility of, postsecondary students with print  
21               disabilities in need of instructional materials in spe-  
22               cialized formats.

23               “(2) Procedures and systems to facilitate and  
24               simplify request methods for accessible instructional  
25               materials in specialized formats from eligible stu-

1        *dents, which may include a single point-of-entry sys-*  
2        *tem.*

3                *“(3) Procedures and systems to coordinate be-*  
4        *tween institutions of higher education, publishers of*  
5        *instructional materials, and entities that produce ma-*  
6        *terials in specialized formats, to efficiently facilitate*  
7        *requests for such materials, the responses to such re-*  
8        *quests, and the delivery of such materials.*

9                *“(4) Delivery systems that will ensure the timely*  
10       *provision of instructional materials in specialized for-*  
11       *mati to eligible students, which may include elec-*  
12       *tronic file distribution.*

13               *“(5) Systems to encourage reduction of duplica-*  
14       *tive conversions of the same instructional materials*  
15       *for multiple eligible students at multiple institutions*  
16       *of higher education when such conversions may be*  
17       *shared.*

18               *“(6) Procedures to protect against copyright in-*  
19       *fringement with respect to the creation, use, and dis-*  
20       *tribution of instructional materials while maintain-*  
21       *ing accessibility for students with print disabilities,*  
22       *which may include digital technologies such as*  
23       *watermarking, fingerprinting, and other emerging*  
24       *strategies.*

1           “(7) *Awareness, outreach, and training activities*  
2           *for faculty, staff, and students related to the acquisi-*  
3           *tion and dissemination of instructional materials in*  
4           *specialized formats and instructional materials uti-*  
5           *lizing universal design.*

6           “(8) *Evaluation of the effectiveness of the pro-*  
7           *grams under this section.*

8           “(9) *Guidance on how successful procedures and*  
9           *systems described in paragraphs (1) through (7) could*  
10          *be disseminated and implemented on a national*  
11          *basis.*

12          “(e) *AUTHORIZED ACTIVITIES.—The Secretary may*  
13          *support the development and implementation of the fol-*  
14          *lowing:*

15               “(1) *Approaches limited to instructional mate-*  
16               *rials used in smaller categories of postsecondary*  
17               *courses, such as introductory, first-, and second-year*  
18               *courses.*

19               “(2) *Market-based approaches for making in-*  
20               *structional materials in specialized formats directly*  
21               *available to eligible students at prices comparable to*  
22               *standard instructional materials.*

23               “(3) *Approaches supporting a unified search*  
24               *across multiple databases or lists of available mate-*  
25               *rials.*

1       “(f) *APPLICATION.*—A partnership of eligible entities  
2 that wishes to apply for a grant under this section shall  
3 submit an application for such grant at such time, in such  
4 manner and in such format as the Secretary may prescribe.  
5 The application shall include information on how the part-  
6 nership will implement activities under subsection (d) and,  
7 as applicable, subsection (e).

8       “(g) *PRIORITY.*—In awarding grants under this sec-  
9 tion, the Secretary shall give priority consideration to any  
10 applications that include development and implementation  
11 of the procedures and systems described in subsection (e)(2)  
12 or (e)(3).

13       “(h) *REPORT TO CONGRESS.*—The Secretary shall sub-  
14 mit annually to the authorizing committees a report that  
15 includes—

16               “(1) the number of grants and the amount of  
17 funds distributed under this section;

18               “(2) a summary of the purposes for which the  
19 grants were provided and an evaluation of the  
20 progress made under such grants;

21               “(3) a summary of the activities implemented  
22 under subsection (d) and, as applicable, subsection  
23 (e), including data on the number of students served  
24 and the number of instructional material requests ex-  
25 ecuted and delivered in specialized formats; and

1           “(4) an evaluation of the effectiveness of pro-  
2           grams funded under this section.

3           “(i) *MODEL EXPANSION*.—After 3 years, the Secretary  
4 shall review the results of the evaluations of participating  
5 partnerships, as well as the Commission report described  
6 in section 766A. If the Secretary finds that models used  
7 under this section are effective in improving the timely de-  
8 livery and quality of materials in specialized formats and  
9 provide adequate protections against copyright infringe-  
10 ment, the Secretary may expand the demonstration pro-  
11 gram to additional grantees reflecting regional and pro-  
12 grammatic partnerships.

13          “(j) *MODEL EXPANSION SPECIAL RULE*.—The Com-  
14 mission’s recommendations shall be submitted to the Sec-  
15 retary and a public comment period shall be issued prior  
16 to any expansion under subsection (i). No later than 90  
17 days after close of public comment period, the Secretary  
18 shall issue guidance to new and existing grantees, taking  
19 into consideration the final Commission recommendations  
20 and public comments.

21          “(k) *RULE OF CONSTRUCTION*.—Nothing in this sub-  
22 part shall be construed to limit or preempt any State law  
23 requiring the production or distribution of postsecondary  
24 instructional materials in accessible formats to students  
25 with disabilities.

1 **“SEC. 766C. AUTHORIZATION OF APPROPRIATIONS.**

2       *“There are authorized to be appropriated to carry out*  
 3 *this subpart such sums as may be necessary for fiscal year*  
 4 *2009 and each of the 4 succeeding fiscal years.*

5 **“Subpart 3—Transition Programs for Students With**  
 6 ***Intellectual Disabilities Into Higher Education;***  
 7 ***Coordinating Center***

8 **“SEC. 767. PURPOSE.**

9       *“The purpose of this subpart is to support model dem-*  
 10 *onstration programs that promote the successful transition*  
 11 *of students with intellectual disabilities into higher edu-*  
 12 *cation.*

13 **“SEC. 768. DEFINITIONS.**

14       *“In this subpart:*

15               *“(1) COMPREHENSIVE TRANSITION AND POST-*  
 16 *SECONDARY PROGRAM FOR STUDENTS WITH INTEL-*  
 17 *LECTUAL DISABILITIES.—The term ‘comprehensive*  
 18 *transition and postsecondary program for students*  
 19 *with intellectual disabilities’ means a degree, certifi-*  
 20 *cate, or nondegree program that is—*

21               *“(A) offered by an institution of higher edu-*  
 22 *cation; and*

23               *“(B) is described in section 484(s)(3).*

24               *“(2) STUDENT WITH AN INTELLECTUAL DIS-*  
 25 *ABILITY.—The term ‘student with an intellectual dis-*  
 26 *ability’ means a student who meets the criteria de-*



1       scribed in paragraphs (1) through (4) of section  
2       484(s).

3       **“SEC. 769. MODEL COMPREHENSIVE TRANSITION AND**  
4                   **POSTSECONDARY PROGRAMS FOR STUDENTS**  
5                   **WITH INTELLECTUAL DISABILITIES.**

6       “(a) GRANTS AUTHORIZED.—

7               “(1) IN GENERAL.—The Secretary shall annually  
8       award grants, on a competitive basis, to institutions  
9       of higher education (or consortia of institutions of  
10      higher education), to create or expand high-quality,  
11      inclusive model comprehensive transition and postsec-  
12      ondary programs for students with intellectual dis-  
13      abilities.

14              “(2) DURATION OF GRANTS.—A grant under this  
15      section shall be awarded for a period of 5 years.

16      “(b) APPLICATION.—An institution of higher edu-  
17      cation (or a consortium) desiring a grant under this section  
18      shall submit an application to the Secretary at such time,  
19      in such manner, and containing such information as the  
20      Secretary may require.

21      “(c) PREFERENCE.—In awarding grants under this  
22      section, the Secretary shall give preference to institutions  
23      of higher education (or consortia) that—

24              “(1) will carry out a model program under the  
25      grant in a State that does not already have a com-

1       *prehensive transition and postsecondary program for*  
2       *students with intellectual disabilities; or*

3               “(2) *in the application submitted under sub-*  
4       *section (b), agree to incorporate 1 or more of the fol-*  
5       *lowing elements into the model programs carried out*  
6       *under the grant:*

7               “(A) *The formation of a partnership with*  
8       *any relevant agency serving students with intel-*  
9       *lectual disabilities, such as a vocational rehabili-*  
10       *tation agency.*

11              “(B) *In the case of an institution of higher*  
12       *education that provides institutionally owned or*  
13       *operated housing for students attending the insti-*  
14       *tution, the integration of students with intellec-*  
15       *tual disabilities into such housing.*

16              “(C) *The involvement of students attending*  
17       *the institution of higher education who are*  
18       *studying special education, general education,*  
19       *vocational rehabilitation, assistive technology, or*  
20       *related fields in the model program carried out*  
21       *under the grant.*

22              “(d) *USE OF FUNDS.—An institution of higher edu-*  
23       *cation (or consortium) receiving a grant under this section*  
24       *shall use the grant funds to establish a model comprehensive*

1 *transition and postsecondary program for students with in-*  
2 *tellectual disabilities that—*

3           “(1) *serves students with intellectual disabilities;*

4           “(2) *provides individual supports and services*  
5 *for the academic and social inclusion of students with*  
6 *intellectual disabilities in academic courses, extra-*  
7 *curricular activities, and other aspects of the institu-*  
8 *tion of higher education’s regular postsecondary pro-*  
9 *gram;*

10           “(3) *with respect to the students with intellectual*  
11 *disabilities participating in the model program, pro-*  
12 *vides a focus on—*

13                   “(A) *academic enrichment;*

14                   “(B) *socialization;*

15                   “(C) *independent living, including self-ad-*  
16 *vocacy skills; and*

17                   “(D) *integrated work experiences and career*  
18 *skills that lead to gainful employment;*

19           “(4) *integrates person-centered planning in the*  
20 *development of the course of study for each student*  
21 *with an intellectual disability participating in the*  
22 *model program;*

23           “(5) *participates with the coordinating center es-*  
24 *tablished under section 770 in the evaluation of the*  
25 *model program;*

1           “(6) partners with 1 or more local educational  
2           agencies to support the participation of students with  
3           intellectual disabilities in the model program who are  
4           still eligible for special education and related services  
5           under the Individuals with Disabilities Education  
6           Act, including regarding the utilization of funds  
7           available under part B of such Act for such students;

8           “(7) plans for the sustainability of the model  
9           program after the end of the grant period; and

10          “(8) creates and offers a meaningful credential  
11          for students with intellectual disabilities upon the  
12          completion of the model program.

13          “(e) *MATCHING REQUIREMENT.*—An institution of  
14          higher education that receives a grant under this section  
15          shall provide matching funds toward the cost of the model  
16          comprehensive transition and postsecondary program for  
17          students with intellectual disabilities carried out under the  
18          grant, which may be provided in cash or in kind, in an  
19          amount not less than 25 percent of the amount of such grant  
20          funds.

21          “(f) *REPORT.*—Not later than 3 years after the date  
22          of enactment of the College Opportunity and Affordability  
23          Act of 2007, the Secretary shall prepare and disseminate  
24          a report to the authorizing committees and to the public  
25          that reviews the activities of the model comprehensive tran-

1 *sition and postsecondary programs for students with intel-*  
 2 *lectual disabilities authorized under this subpart and pro-*  
 3 *vides guidance and recommendations on how successful pro-*  
 4 *grams can be replicated.*

5 **“SEC. 770. COORDINATING CENTER FOR TECHNICAL AS-**  
 6 **SISTANCE, EVALUATION, AND DEVELOPMENT**  
 7 **OF ACCREDITATION STANDARDS.**

8 *“(a) IN GENERAL.—*

9 *“(1) AWARD.—The Secretary shall, on a com-*  
 10 *petitive basis, enter into a cooperative agreement with*  
 11 *an eligible entity, for the purpose of establishing a co-*  
 12 *ordinating center for technical assistance, evaluation,*  
 13 *and development of accreditation standards for insti-*  
 14 *tutions of higher education that offer inclusive model*  
 15 *comprehensive transition and postsecondary programs*  
 16 *for students with intellectual disabilities.*

17 *“(2) DURATION.—The cooperative agreement*  
 18 *under this section shall be for a period of 5 years.*

19 *“(b) REQUIREMENTS OF COOPERATIVE AGREE-*  
 20 *MENT.—The eligible entity entering into a cooperative*  
 21 *agreement under this section shall establish and maintain*  
 22 *a center that shall—*

23 *“(1) serve as the technical assistance entity for*  
 24 *all model comprehensive transition and postsecondary*

1        *programs for students with intellectual disabilities as-*  
2        *sisted under section 769;*

3                *“(2) provide technical assistance regarding the*  
4        *development, evaluation, and continuous improve-*  
5        *ment of such programs;*

6                *“(3) develop an evaluation protocol for such pro-*  
7        *grams that includes qualitative and quantitative*  
8        *methodology measuring student outcomes and pro-*  
9        *gram strengths in the areas of academic enrichment,*  
10       *socialization, independent living, and competitive or*  
11       *supported employment;*

12               *“(4) assist recipients of grants under section 769*  
13       *in efforts to award a meaningful credential to stu-*  
14       *dents with intellectual disabilities upon the comple-*  
15       *tion of such programs, which credential takes into*  
16       *consideration unique State factors;*

17               *“(5) develop model criteria, standards, and pro-*  
18       *cedures to be used in accrediting such programs*  
19       *that—*

20               *“(A) include, in the development of the*  
21       *model criteria, standards, and procedures for*  
22       *such programs, the participation of—*

23                        *“(i) an expert in higher education;*

24                        *“(ii) an expert in special education;*

1                   “(iii) a disability organization that  
2                   represents students with intellectual disabili-  
3                   ties; and

4                   “(iv) a national, State, or regional ac-  
5                   crediting agency or association recognized  
6                   by the Secretary under subpart 2 of part H  
7                   of title IV; and

8                   “(B) define the necessary components of  
9                   such programs, such as—

10                   “(i) academic, vocational, social, and  
11                   independent living skills;

12                   “(ii) evaluation of student progress;

13                   “(iii) program administration and  
14                   evaluation;

15                   “(iv) student eligibility; and

16                   “(v) issues regarding the equivalency of  
17                   a student’s participation in such programs  
18                   to semester, trimester, quarter, credit, or  
19                   clock hours at an institution of higher edu-  
20                   cation, as the case may be;

21                   “(6) analyze possible funding streams for such  
22                   programs and provide recommendations regarding  
23                   funding streams;

1           “(7) develop model memoranda of agreement be-  
 2       tween institutions of higher education and agencies  
 3       providing funding for such programs;

4           “(8) develop mechanisms for regular communica-  
 5       tion between the recipients of grants under section  
 6       769 regarding such programs; and

7           “(9) host a meeting of all recipients of grants  
 8       under section 769 not less often than once each year.

9       “(c) *DEFINITION OF ELIGIBLE ENTITY.*—In this sec-  
 10     tion, the term ‘eligible entity’ means an entity, or a part-  
 11     nership of entities, that has demonstrated expertise in the  
 12     fields of higher education, students with intellectual disabil-  
 13     ities, the development of comprehensive transition and post-  
 14     secondary programs for students with intellectual disabil-  
 15     ities, evaluation, and technical assistance.

16     **“SEC. 770A. AUTHORIZATION OF APPROPRIATIONS.**

17       “*There are authorized to be appropriated such sums*  
 18     *as may be necessary to carry out this subpart for fiscal year*  
 19     *2009 and each of the 4 succeeding fiscal years.”.*

20       (f) *CONFORMING AMENDMENTS.*—Part D of title VII  
 21     (20 U.S.C. 1140 et seq.) is further amended—

22           (1) in section 761, by striking “part” and insert-  
 23       ing “subpart”;



1           (2) in section 762 (as amended by subsection  
2           (a)), by striking “part” each place the term appears  
3           and inserting “subpart”;

4           (3) in section 763, in the matter preceding para-  
5           graph (1), by striking “part” and inserting “sub-  
6           part”;

7           (4) in section 764, by striking “part” and insert-  
8           ing “subpart”; and

9           (5) in section 765, by striking “part” and insert-  
10          ing “subpart”.

11 **SEC. 708. SUBGRANTS TO NONPROFIT ORGANIZATIONS.**

12          Section 771(e) (20 U.S.C. 1141(e)), as added by section  
13 802 of the College Cost Reduction and Access Act of 2007,  
14 is amended by inserting after “of this Act)” the following:  
15 “, or those who have agreements with the Secretary under  
16 section 435(d)(5)(J)”.

17 **SEC. 709. NURSING EDUCATION.**

18          Title VII (20 U.S.C. 1133 et seq.) is further amended  
19 by adding at the end the following new part:

20                   **“PART F—NURSING EDUCATION**

21           **“SEC. 776. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR**

22                   **GRADUATE-LEVEL NURSING STUDENTS.**

23           “(a) *AUTHORIZATION.*—The Secretary shall award  
24 grants to institutions of higher education that offer—

1           “(1) a R.N. nursing program at the bacca-  
 2       laureate or associate degree level to enable such pro-  
 3       gram to expand the faculty and facilities of such pro-  
 4       gram to accommodate additional R.N. nursing pro-  
 5       gram students; or

6           “(2) a graduate-level nursing program to accom-  
 7       modate advanced practice degrees for Registered  
 8       Nurses or to accommodate students enrolled in a  
 9       graduate-level nursing program to provide teachers of  
 10      nursing students.

11       “(b) DETERMINATION OF NUMBER OF STUDENTS AND  
 12      APPLICATION.—Each institution of higher education that  
 13      offers a program described in subsection (a) that desires to  
 14      receive a grant under this section shall—

15           “(1) determine for the 4 academic years pre-  
 16       ceding the academic year for which the determination  
 17       is made the average number of matriculated nursing  
 18       program students at such institution for such aca-  
 19       demic years; and

20           “(2) submit an application to the Secretary at  
 21       such time, in such manner, and accompanied by such  
 22       information as the Secretary may require, including  
 23       the average number determined under paragraph (1).

24       “(c) GRANT AMOUNT; AWARD BASIS.—

1           “(1) *GRANT AMOUNT.*—For each academic year  
2           after academic year 2008–2009, the Secretary is au-  
3           thorized to provide to each institution of higher edu-  
4           cation awarded a grant under this section an amount  
5           that is equal to \$3,000 multiplied by the number of  
6           matriculated nursing program students at such insti-  
7           tution for such academic year that is more than the  
8           average number determined with respect to such insti-  
9           tution under subsection (b)(1). Such amount shall be  
10          used for the purposes described in subsection (a).

11           “(2) *DISTRIBUTION OF GRANTS AMONG DIF-*  
12          *FERENT DEGREE PROGRAMS.*—

13           “(A) *IN GENERAL.*—Subject to subpara-  
14          graph (B), from the funds available to award  
15          grants under this section for each fiscal year, the  
16          Secretary shall—

17                   “(i) use 20 percent of such funds to  
18                   award grants under this section to institu-  
19                   tions of higher education for the purpose of  
20                   accommodating advanced practice degrees  
21                   or students in graduate-level nursing pro-  
22                   grams;

23                   “(ii) use 40 percent of such funds to  
24                   award grants under this section to institu-  
25                   tions of higher education for the purpose of

1           *expanding R.N. nursing programs at the*  
2           *baccalaureate degree level; and*

3           “(iii) use 40 percent of such funds to  
4           award grants under this section to institu-  
5           tions of higher education for the purpose of  
6           expanding R.N. nursing programs at the  
7           associate degree level.

8           “(B) *DISTRIBUTION OF EXCESS FUNDS.*—If,  
9           for a fiscal year, funds described in clause (i),  
10          (ii), or (iii) of subparagraph (A) remain avail-  
11          able after the Secretary awards grants under this  
12          section to all applicants for the particular cat-  
13          egory of nursing programs described in such  
14          clause, the Secretary shall use equal amounts of  
15          the remaining funds to award grants under this  
16          section to applicants for the remaining categories  
17          of nursing programs.

18          “(C) *EQUITABLE DISTRIBUTION.*—In  
19          awarding grants under this section, the Sec-  
20          retary shall, to the extent practicable, ensure—

21               “(i) an equitable geographic distribu-  
22               tion of the grants among the States; and

23               “(ii) an equitable distribution of the  
24               grants among different types of institutions  
25               of higher education.

1 “(d) *PROHIBITION.*—

2 “(1) *USE OF FUNDS.*—*Funds provided under*  
3 *this section may not be used for the construction of*  
4 *new facilities.*

5 “(2) *RULE OF CONSTRUCTION.*—*Nothing in*  
6 *paragraph (1) shall be construed to prohibit funds*  
7 *provided under this section from being used for the re-*  
8 *pair or renovation of facilities.*

9 **“SEC. 777. NURSE FACULTY PILOT PROJECT.**

10 “(a) *PURPOSES.*—*The purposes of this section are to*  
11 *create a pilot program—*

12 “(1) *to provide scholarships to qualified nurses*  
13 *in pursuit of an advanced degree with the goal of be-*  
14 *coming faculty members in an accredited nursing*  
15 *program; and*

16 “(2) *to provide grants to partnerships between*  
17 *accredited schools of nursing and hospitals or health*  
18 *facilities to fund release time for qualified nurse em-*  
19 *ployees, so that those employees can earn a salary*  
20 *while obtaining an advanced degree in nursing with*  
21 *the goal of becoming nurse faculty.*

22 “(b) *ASSISTANCE AUTHORIZED.*—

23 “(1) *COMPETITIVE GRANTS AUTHORIZED.*—*The*  
24 *Secretary may, on a competitive basis, award grants*  
25 *to, and enter into contracts and cooperative agree-*

1        *ments with, partnerships composed of an accredited*  
 2        *school of nursing at an institution of higher education*  
 3        *and a hospital or health facility to establish not more*  
 4        *than 5 pilot projects to enable such hospital or health*  
 5        *facility to retain its staff of experienced nurses while*  
 6        *providing a mechanism to have such nurses become,*  
 7        *through an accelerated nursing education program,*  
 8        *faculty members of an accredited school of nursing.*

9                *“(2) DURATION; EVALUATION AND DISSEMINA-*  
 10        *TION.—*

11                *“(A) DURATION.—Grants under this section*  
 12        *shall be awarded for a period of 3 to 5 years.*

13                *“(B) MANDATORY EVALUATION AND DIS-*  
 14        *SEMINATION.—Grants under this section shall be*  
 15        *primarily used for evaluation, and dissemina-*  
 16        *tion to other institutions of higher education, of*  
 17        *the information obtained through the activities*  
 18        *described in subsection (a)(2).*

19                *“(3) CONSIDERATIONS IN MAKING AWARDS.—In*  
 20        *awarding grants and entering into contracts and co-*  
 21        *operative agreements under this section, the Secretary*  
 22        *shall consider the following:*

23                *“(A) GEOGRAPHIC DISTRIBUTION.—Pro-*  
 24        *viding an equitable geographic distribution of*  
 25        *such grants.*

1                   “(B) *RURAL AND URBAN AREAS.*—*Distrib-*  
2                   *uting such grants to urban and rural areas.*

3                   “(C) *RANGE AND TYPE OF INSTITUTION.*—  
4                   *Ensuring that the activities to be assisted are de-*  
5                   *veloped for a range of types and sizes of institu-*  
6                   *tions of higher education.*

7                   “(D) *PRIOR EXPERIENCE OR EXCEPTIONAL*  
8                   *PROGRAMS.*—*The extent to which institutions of*  
9                   *higher education have demonstrated prior experi-*  
10                  *ence in providing advanced nursing education*  
11                  *programs to prepare nurses interested in pur-*  
12                  *suing a faculty role.*

13                  “(4) *USES OF FUNDS.*—*Funds made available by*  
14                  *grant, contract, or cooperative agreement under this*  
15                  *section may be used—*

16                         “(A) *to develop a new national demonstra-*  
17                         *tion initiative to align nursing education with*  
18                         *the emerging challenges of healthcare delivery;*  
19                         *and*

20                         “(B) *for any one or more of the following*  
21                         *innovations in educational programs:*

22                                 “(i) *To develop a clinical simulation*  
23                                 *laboratory in a hospital, health facility, or*  
24                                 *accredited school of nursing.*

1                   “(ii) *To purchase distance learning*  
2                   *technologies.*

3                   “(iii) *To fund release time for quali-*  
4                   *fied nurses enrolled in the graduate nursing*  
5                   *program.*

6                   “(iv) *To provide for faculty salaries.*

7                   “(v) *To collect and analyze data on*  
8                   *educational outcomes.*

9           “(c) *APPLICATIONS.—Each partnership desiring to re-*  
10   *ceive a grant, contract, or cooperative agreement under this*  
11   *section shall submit an application to the Secretary at such*  
12   *time, in such manner, and accompanied by such informa-*  
13   *tion as the Secretary may require. Each application shall*  
14   *include assurances that—*

15                   “(1) *the individuals enrolled in the program will*  
16                   *be qualified nurses in pursuit of a master’s or doc-*  
17                   *toral degree in nursing and have a contractual obli-*  
18                   *gation with the hospital or health facility that is in*  
19                   *partnership with the institution of higher education;*

20                   “(2) *the hospital or health facility of employment*  
21                   *will be the clinical site for the accredited school of*  
22                   *nursing program;*

23                   “(3) *individuals enrolled in the program will*  
24                   *maintain their employment on a part-time basis with*  
25                   *the hospital or health facility that allowed them to*



1        *participate in the program, and will receive an in-*  
 2        *come from the hospital or health facility, as a part-*  
 3        *time employee, and release times or flexible schedules*  
 4        *to accommodate their class schedule; and*

5            *“(4) upon completion of the program, such indi-*  
 6        *viduals will be required to teach for 2 years in an ac-*  
 7        *credited school of nursing for each year of support the*  
 8        *individual received under this program.*

9            *“(d) DEFINITION.—For purposes of this section, the*  
 10       *term ‘health facility’ means an Indian Health Service cen-*  
 11       *ter, a Native Hawaiian health center, a hospital, a federally*  
 12       *qualified health center, a rural health clinic, a nursing*  
 13       *home, a home health agency, a hospice program, a public*  
 14       *health clinic, a State or local department of public health,*  
 15       *a skilled nursing facility, or an ambulatory surgical center.*

16           *“(e) AUTHORIZATION OF APPROPRIATIONS.—There are*  
 17       *authorized to be appropriated to carry out this section not*  
 18       *more than \$10,000,000 for fiscal year 2009 and such sums*  
 19       *as may be necessary for each of the 4 succeeding fiscal*  
 20       *years.”.*

21       **SEC. 710. NATIONAL STUDY ON HIGHER EDUCATION AC-**  
 22                                **CESS AND SUCCESS FOR STUDENTS WITH**  
 23                                **DISABILITIES.**

24           *(a) STUDY.—The Comptroller General shall conduct a*  
 25       *study of the barriers to, and opportunities for, the full par-*

1 *ticipation of students with disabilities in institutions of*  
2 *higher education. The study shall address—*

3 *(1) the extent to which, and manner in which,*  
4 *students with disabilities are—*

5 *(A) prepared to participate in postsec-*  
6 *ondary education upon enrollment;*

7 *(B) applying to different types of institu-*  
8 *tions of higher education;*

9 *(C) accepted into different types of institu-*  
10 *tions of higher education;*

11 *(D) enrolling in and attending different*  
12 *types of institutions of higher education;*

13 *(E) utilizing financial aid programs; and*

14 *(F) completing programs of study at dif-*  
15 *ferent types of institutions of higher education;*

16 *(2) factors that influence the accessibility of*  
17 *higher education for a broad spectrum of students*  
18 *with different disabilities, including—*

19 *(A) physical access;*

20 *(B) communication and outreach in acces-*  
21 *sible formats, including websites, admissions in-*  
22 *formation, financial aid information, and other*  
23 *general information;*

24 *(C) availability of accessible instructional*  
25 *materials in a timely manner;*

1                   (D) *financial factors; and*

2                   (E) *eligibility for, and ability to access,*  
3                   *adequate support services;*

4                   (3) *the effectiveness and capacity of disability*  
5                   *support services in helping to recruit, retain, and*  
6                   *support students with disabilities to complete their*  
7                   *programs of study, and the role of disability support*  
8                   *services relative to other departments in institutions*  
9                   *of higher education, including—*

10                   (A) *the number of staff working in dis-*  
11                   *ability support services offices;*

12                   (B) *the budgets of disability support serv-*  
13                   *ices offices; and*

14                   (C) *the placement of the disability support*  
15                   *services offices within the administrative struc-*  
16                   *ture of the institutions of higher education;*

17                   (4) *the extent to which institutions of higher edu-*  
18                   *cation provide assistance to students with disabilities*  
19                   *to coordinate with, and receive services from, other*  
20                   *support programs that may be available to such stu-*  
21                   *dents, including services provided by local educational*  
22                   *agencies, vocational rehabilitation agencies, Social*  
23                   *Security, Medicaid, and other Federal, State, and*  
24                   *local programs; and*

1           (5) *in institutions of higher education that have*  
 2           *been effective in recruiting and graduating students*  
 3           *with disabilities, the factors that may contribute to*  
 4           *such effectiveness, including—*

5                     (A) *faculty and staff preparation related to*  
 6                     *working with students with disabilities;*

7                     (B) *program characteristics;*

8                     (C) *accommodations and supports available;*

9                     *and*

10                    (D) *any other relevant factors.*

11           (b) *REPORT.—The Comptroller General shall submit*  
 12           *a report regarding the results of the study under subsection*  
 13           *(a) to the authorizing committees (as defined in section 103*  
 14           *of the Higher Education Act of 1965 (20 U.S.C. 1003)) no*  
 15           *later than 24 months after the date of the enactment of this*  
 16           *Act.*

17                    ***TITLE VIII—ADDITIONAL***  
 18                    ***PROGRAMS***

19           ***SEC. 801. ADDITIONAL PROGRAMS.***

20           *The Higher Education Act of 1965 is further amended*  
 21           *by adding at the end the following new title:*

1           **“TITLE VIII—ADDITIONAL**  
2                           **PROGRAMS**

3   **“SEC. 800. AUTHORIZATION OF APPROPRIATIONS.**

4           *“There are authorized to be appropriated to carry out*  
5 *this title such sums as may be necessary for fiscal year 2009*  
6 *and each of the 4 succeeding fiscal years.*

7                           **“PART A—LOW TUITION**

8   **“SEC. 801. INCENTIVES AND REWARDS FOR LOW TUITION.**

9           *“(a) REWARDS FOR LOW TUITION.—*

10                   *“(1) COMPETITIVE GRANTS.—From funds made*  
11 *available under section 800, the Secretary shall*  
12 *award grants on a competitive basis to institutions of*  
13 *higher education that, for academic year 2008–2009*  
14 *or any succeeding academic year, have an annual net*  
15 *tuition increase (expressed as a percentage) for the*  
16 *most recent academic year for which satisfactory data*  
17 *is available that is equal to or less than the percent-*  
18 *age change in the higher education price index for*  
19 *such academic year.*

20                   *“(2) USE OF FUNDS.—Funds awarded to an in-*  
21 *stitution of higher education under paragraph (1)*  
22 *shall be distributed by the institution in the form of*  
23 *need-based grant aid to students who are eligible for*  
24 *Federal Pell Grants, except that no student shall re-*  
25 *ceive an amount under this section that would cause*

1     *the amount of total financial aid received by such*  
2     *student to exceed the cost of attendance of the institu-*  
3     *tion.*

4     “(b) *REWARDS FOR GUARANTEED TUITION.*—

5         “(1) *BONUS.*—*For each institution of higher*  
6     *education that the Secretary determines complies with*  
7     *the requirements of paragraph (2) or (3) of this sub-*  
8     *section, the Secretary shall provide to such institution*  
9     *a bonus amount. Such institution shall award the*  
10    *bonus amount in the form of need-based aid first to*  
11    *students who are eligible for Federal Pell Grants who*  
12    *were in attendance at the institution during the*  
13    *award year that such institution satisfied the eligi-*  
14    *bility criteria for maintaining low tuition and fees,*  
15    *then to students who are eligible for Federal Pell*  
16    *Grants who were not in attendance at the institution*  
17    *during such award year.*

18         “(2) *4-YEAR INSTITUTIONS.*—*An institution of*  
19    *higher education that provides a program of instruc-*  
20    *tion for which it awards a bachelor’s degree complies*  
21    *with the requirements of this paragraph if such insti-*  
22    *tution guarantees that for any academic year (or the*  
23    *equivalent) beginning on or after July 1, 2008, and*  
24    *for each of the 4 succeeding continuous academic*

1        *years, the net tuition charged to an undergraduate*  
2        *student will not exceed—*

3                *“(A) the amount that the student was*  
4                *charged for an academic year at the time he or*  
5                *she first enrolled in the institution of higher edu-*  
6                *cation, plus*

7                *“(B) the product of the percentage increase*  
8                *in the higher education price index for the prior*  
9                *academic year, or the most recent prior aca-*  
10               *demic year for which data is available, multi-*  
11               *plied by the amount determined under subpara-*  
12               *graph (A).*

13               *“(3) LESS-THAN 4-YEAR INSTITUTIONS.—An in-*  
14               *stitution of higher education that does not provide a*  
15               *program of instruction for which it awards a bach-*  
16               *elor’s degree complies with the requirements of this*  
17               *paragraph if such institution guarantees that for any*  
18               *academic year (or the equivalent) beginning on or*  
19               *after July 1, 2008, and for each of the 1.5 succeeding*  
20               *continuous academic years, the net tuition charged to*  
21               *an undergraduate student will not exceed—*

22               *“(A) the amount that the student was*  
23               *charged for an academic year at the time he or*  
24               *she first enrolled in the institution of higher edu-*  
25               *cation, plus*

1           “(B) the product of the percentage increase  
2           in the higher education price index for the prior  
3           academic year, or the most recent prior aca-  
4           demic year for which data is available, multi-  
5           plied by the amount determined under subpara-  
6           graph (A).

7           “(c) MAINTAINING AFFORDABLE TUITION.—

8           “(1) INSTITUTION REPORTS.—If an institution  
9           of higher education has an increase in annual net  
10          tuition (expressed as a percentage), for the most re-  
11          cent academic year for which satisfactory data is  
12          available, that is greater than the percentage increase  
13          in the higher education price index for such academic  
14          year, the institution or a representative association is  
15          required to submit to the Secretary the following in-  
16          formation, within 6 months of such determination:

17               “(A) A report on the factors contributing to  
18               the increase in the institution’s costs and the in-  
19               crease in net tuition and fees charged to stu-  
20               dents, including identification of the major areas  
21               in the institution’s budget with the greatest cost  
22               increases.

23               “(B) The institution’s 3 most recent Form  
24               990s submitted to the Internal Revenue Service,



1           *as required under section 6033 of the Internal*  
2           *Revenue Code of 1986.*

3           “(C) *A description of the major areas of ex-*  
4           *penditures in the institution’s budget with the*  
5           *greatest increase for such academic year.*

6           “(D) *A description of actions being taken*  
7           *by the institution to reduce net tuition.*

8           “(2) *REPORT TO CONGRESS.—The Secretary*  
9           *shall compile the information submitted under this*  
10          *subsection and shall provide to the authorizing com-*  
11          *mittees an annual report relating to such informa-*  
12          *tion.*

13          “(d) *DEFINITIONS.—In this section:*

14               “(1) *NET TUITION.—The term ‘net tuition’*  
15               *means the average tuition and fees charged to a full-*  
16               *time undergraduate student by an institution of high-*  
17               *er education for an academic year, minus the average*  
18               *grant amount received by such a student for such aca-*  
19               *ademic year.*

20               “(2) *HIGHER EDUCATION PRICE INDEX.—The*  
21               *term ‘higher education price index’ means the higher*  
22               *education price index developed pursuant to section*  
23               *133(b).*

1           **“PART B—COOPERATIVE EDUCATION**

2   **“SEC. 811. STATEMENT OF PURPOSE; DEFINITION.**

3           “(a) *PURPOSE.*—It is the purpose of this part to  
4   award grants to institutions of higher education or com-  
5   binations of such institutions to encourage such institutions  
6   to develop and make available to as many of their students  
7   as possible work experience that will aid such students in  
8   future careers and will enable such students to support  
9   themselves financially while in school.

10          “(b) *DEFINITION.*—In this part the term ‘cooperative  
11   education’ means the provision of alternating or parallel  
12   periods of academic study and public or private employ-  
13   ment to give students work experiences related to their aca-  
14   demic or occupational objectives and an opportunity to  
15   earn the funds necessary for continuing and completing  
16   their education.

17   **“SEC. 812. RESERVATIONS.**

18          “(a) *RESERVATIONS.*—Of the amount appropriated to  
19   carry out this part under section 800 in each fiscal year—

20               “(1) not less than 50 percent shall be available  
21   for awarding grants to institutions of higher edu-  
22   cation and combinations of such institutions de-  
23   scribed in section 813(a)(1)(A) for cooperative edu-  
24   cation under section 813;

25               “(2) not less than 25 percent shall be available  
26   for awarding grants to institutions of higher edu-

1        *cation described in section 813(a)(1)(B) for coopera-*  
 2        *tive education under section 813;*

3            *“(3) not to exceed 11 percent shall be available*  
 4        *for demonstration projects under paragraph (1) of*  
 5        *section 814(a);*

6            *“(4) not to exceed 11 percent shall be available*  
 7        *for training and resource centers under paragraph (2)*  
 8        *of section 814(a); and*

9            *“(5) not to exceed 3 percent shall be available for*  
 10        *research under paragraph (3) of section 814(a).*

11        *“(b) AVAILABILITY OF APPROPRIATIONS.—Appropria-*  
 12        *tions under this part shall not be available for the payment*  
 13        *of compensation of students for employment by employers*  
 14        *under arrangements pursuant to this part.*

15        **“SEC. 813. GRANTS FOR COOPERATIVE EDUCATION.**

16        *“(a) GRANTS AUTHORIZED.—*

17            *“(1) IN GENERAL.—The Secretary is authorized,*  
 18        *from the amount available to carry out this part*  
 19        *under section 800 in each fiscal year and in accord-*  
 20        *ance with the provisions of this part—*

21            *“(A) to award grants to institutions of*  
 22        *higher education or combinations of such institu-*  
 23        *tions that have not received a grant under this*  
 24        *paragraph in the 10-year period preceding the*  
 25        *date for which a grant under this section is re-*

1        *quested to pay the Federal share of the cost of*  
2        *planning, establishing, expanding, or carrying*  
3        *out programs of cooperative education by such*  
4        *institutions or combinations of institutions; and*

5                *“(B) to award grants to institutions of*  
6        *higher education that are operating an existing*  
7        *cooperative education program as determined by*  
8        *the Secretary to pay the cost of planning, estab-*  
9        *lishing, expanding, or carrying out programs of*  
10       *cooperative education by such institutions.*

11                *“(2) PROGRAM REQUIREMENT.—Cooperative*  
12       *education programs assisted under this section shall*  
13       *provide alternating or parallel periods of academic*  
14       *study and of public or private employment, giving*  
15       *students work experience related to their academic or*  
16       *occupational objectives and the opportunity to earn*  
17       *the funds necessary for continuing and completing*  
18       *their education.*

19                *“(3) AMOUNT OF GRANTS.—*

20                *“(A) The amount of each grant awarded*  
21       *pursuant to paragraph (1)(A) to any institution*  
22       *of higher education or combination of such insti-*  
23       *tutions in any fiscal year shall not exceed*  
24       *\$500,000.*

1           “(B)(i) *Except as provided in clauses (ii)*  
2           *and (iii), the Secretary shall award grants in*  
3           *each fiscal year to each institution of higher edu-*  
4           *cation described in paragraph (1)(B) that has*  
5           *an application approved under subsection (b) in*  
6           *an amount which bears the same ratio to the*  
7           *amount reserved pursuant to section 812(a)(2)*  
8           *for such fiscal year as the number of*  
9           *unduplicated students placed in cooperative edu-*  
10          *cation jobs during the preceding fiscal year by*  
11          *such institution of higher education (other than*  
12          *cooperative education jobs under section 814 and*  
13          *as determined by the Secretary) bears to the total*  
14          *number of all such students placed in such jobs*  
15          *during the preceding fiscal year by all such in-*  
16          *stitutions.*

17          “(ii) *No institution of higher education*  
18          *shall receive a grant pursuant to paragraph*  
19          *(1)(B) in any fiscal year in an amount which*  
20          *exceeds 25 percent of such institution’s coopera-*  
21          *tive education program’s personnel and oper-*  
22          *ating budget for the preceding fiscal year.*

23          “(iii) *The minimum annual grant amount*  
24          *which an institution of higher education is eligi-*  
25          *ble to receive under paragraph (1)(B) is \$1,000*

1           *and the maximum annual grant amount is*  
2           *\$75,000.*

3           “(4) *LIMITATION.—The Secretary shall not*  
4           *award grants pursuant to paragraphs (1)(A) and (B)*  
5           *to the same institution of higher education or com-*  
6           *bination of such institution in any one fiscal year.*

7           “(5) *USES.—Grants under paragraph (1)(B)*  
8           *shall be used exclusively—*

9                   “(A) *to expand the quality of and partici-*  
10                  *pation in a cooperative education program;*

11                  “(B) *for outreach in new curricular areas;*  
12                  *and*

13                  “(C) *for outreach to potential participants*  
14                  *including underrepresented and nontraditional*  
15                  *populations.*

16           “(b) *APPLICATIONS.—Each institution of higher edu-*  
17           *cation or combination of such institutions desiring to re-*  
18           *ceive a grant under this section shall submit an application*  
19           *to the Secretary at such time and in such manner as the*  
20           *Secretary shall prescribe. Each such application shall—*

21                  “(1) *set forth the program or activities for which*  
22                  *a grant is authorized under this section;*

23                  “(2) *specify each portion of such program or ac-*  
24                  *tivities which will be performed by a nonprofit orga-*

1       nization or institution other than the applicant, and  
2       the compensation to be paid for such performance;

3               “(3) provide that the applicant will expend dur-  
4       ing the fiscal year for which the grant is awarded for  
5       the purpose of such program or activities not less  
6       than the amount expended for such purpose during  
7       the previous fiscal year;

8               “(4) describe the plans which the applicant will  
9       carry out to assure, and contain a formal statement  
10      of the institution’s commitment which assures, that  
11      the applicant will continue the cooperative education  
12      program beyond the 5-year period of Federal assist-  
13      ance described in subsection (c)(1) at a level which is  
14      not less than the total amount expended for such pro-  
15      gram during the first year such program was assisted  
16      under this section;

17              “(5) provide that, in the case of an institution  
18      of higher education that provides a 2-year program  
19      which is acceptable for full credit toward a bachelor’s  
20      degree, the cooperative education program will be  
21      available to students who are certificate or associate  
22      degree candidates and who carry at least one-half of  
23      the normal full-time academic workload;

24              “(6) provide that the applicant will—

1           “(A) make such reports as may be necessary  
2           to ensure that the applicant is complying with  
3           the provisions of this section, including reports  
4           for the second and each succeeding fiscal year for  
5           which the applicant receives a grant with respect  
6           to the impact of the cooperative education pro-  
7           gram in the previous fiscal year, including—

8                   “(i) the number of unduplicated stu-  
9                   dent applicants in the cooperative education  
10                  program;

11                  “(ii) the number of unduplicated stu-  
12                  dents placed in cooperative education jobs;

13                  “(iii) the number of employers who  
14                  have hired cooperative education students;

15                  “(iv) the income for students derived  
16                  from working in cooperative education jobs;  
17                  and

18                  “(v) the increase or decrease in the  
19                  number of unduplicated students placed in  
20                  cooperative education jobs in each fiscal  
21                  year compared to the previous fiscal year;  
22                  and

23           “(B) keep such records as may be necessary  
24           to ensure that the applicant is complying with  
25           the provisions of this part, including the nota-



1           *tion of cooperative education employment on the*  
2           *student's transcript;*

3           “(7) *describe the extent to which programs in the*  
4           *academic disciplines for which the application is*  
5           *made have had a favorable reception by public and*  
6           *private sector employers;*

7           “(8) *describe the extent to which the institution*  
8           *is committed to extending cooperative education on*  
9           *an institution-wide basis for all students who can*  
10          *benefit;*

11          “(9) *describe the plans that the applicant will*  
12          *carry out to evaluate the applicant's cooperative edu-*  
13          *cation program at the end of the grant period;*

14          “(10) *provide for such fiscal control and fund ac-*  
15          *counting procedures as may be necessary to assure*  
16          *proper disbursement of, and accounting for, Federal*  
17          *funds paid to the applicant under this part;*

18          “(11) *demonstrate a commitment to serving all*  
19          *underserved populations at the institution; and*

20          “(12) *include such other information as may be*  
21          *necessary to carry out the provisions of this part.*

22          “(c) *DURATION OF GRANTS; FEDERAL SHARE.—*

23          “(1) *DURATION OF GRANTS.—No individual in-*  
24          *stitution of higher education may receive, individ-*

1       ually or as a participant in a combination of such  
2       institutions—

3               “(A) a grant pursuant to subsection  
4               (a)(1)(A) for more than 5 fiscal years; or

5               “(B) a grant pursuant to subsection  
6               (a)(1)(B) for more than 5 fiscal years.

7               “(2) *FEDERAL SHARE*.—The Federal share of a  
8       grant under subsection (a)(1)(A) may not exceed—

9               “(A) 85 percent of the cost of carrying out  
10       the program or activities described in the appli-  
11       cation in the first year the applicant receives a  
12       grant under this section;

13              “(B) 70 percent of such cost in the second  
14       such year;

15              “(C) 55 percent of such cost in the third  
16       such year;

17              “(D) 40 percent of such cost in the fourth  
18       such year; and

19              “(E) 25 percent of such cost in the fifth  
20       such year.

21              “(3) *SPECIAL RULE*.—Any provision of law to  
22       the contrary notwithstanding, the Secretary shall not  
23       waive the provisions of this subsection.

24              “(d) *MAINTENANCE OF EFFORT*.—If the Secretary de-  
25       termines that a recipient of funds under this section has

1 *failed to maintain the fiscal effort described in subsection*  
2 *(b)(3), then the Secretary may elect not to make grant pay-*  
3 *ments under this section to such recipient.*

4 “(e) *FACTORS FOR SPECIAL CONSIDERATION OF AP-*  
5 *PLICATIONS.*—

6 “(1) *IN GENERAL.*—*In approving applications*  
7 *under this section, the Secretary shall give special*  
8 *consideration to applications from institutions of*  
9 *higher education or combinations of such institutions*  
10 *for programs which show the greatest promise of suc-*  
11 *cess because of—*

12 “(A) *the extent to which programs in the*  
13 *academic discipline with respect to which the ap-*  
14 *plication is made have had a favorable reception*  
15 *by public and private sector employers;*

16 “(B) *the strength of the commitment of the*  
17 *institution of higher education or combination of*  
18 *such institutions to cooperative education as*  
19 *demonstrated by the plans and formalized insti-*  
20 *tutional commitment statement which such insti-*  
21 *tution or combination has made to continue the*  
22 *program after the termination of Federal finan-*  
23 *cial assistance;*

24 “(C) *the extent to which the institution or*  
25 *combination of institutions is committed to ex-*

1           *tending cooperative education for all students*  
2           *who can benefit; and*

3           “(D) *such other factors as are consistent*  
4           *with the purposes of this section.*

5           “(2) *ADDITIONAL SPECIAL CONSIDERATION.—*  
6           *The Secretary shall also give special consideration to*  
7           *applications from institutions of higher education or*  
8           *combinations of such institutions which demonstrate*  
9           *a commitment to serving all underserved populations*  
10          *attending such institutions.*

11   **“SEC. 814. DEMONSTRATION AND INNOVATION PROJECTS;**  
12                   **TRAINING AND RESOURCE CENTERS; AND RE-**  
13                   **SEARCH.**

14          “(a) *AUTHORIZATION.—The Secretary is authorized,*  
15          *in accordance with the provisions of this section, to make*  
16          *grants and enter into contracts—*

17               “(1) *from the amounts available in each fiscal*  
18               *year under section 812(a)(3), for the conduct of dem-*  
19               *onstration projects designed to demonstrate or deter-*  
20               *mine the feasibility or value of innovative methods of*  
21               *cooperative education;*

22               “(2) *from the amounts available in each fiscal*  
23               *year under section 812(a)(4), for the conduct of train-*  
24               *ing and resource centers designed to—*

1           “(A) train personnel in the field of coopera-  
2           tive education;

3           “(B) improve materials used in cooperative  
4           education programs if such improvement is con-  
5           ducted in conjunction with other activities de-  
6           scribed in this paragraph;

7           “(C) furnish technical assistance to institu-  
8           tions of higher education to increase the poten-  
9           tial of the institution to continue to conduct a  
10          cooperative education program without Federal  
11          assistance;

12          “(D) encourage model cooperative education  
13          programs which furnish education and training  
14          in occupations in which there is a national need;

15          “(E) support partnerships under which an  
16          institution carrying out a comprehensive cooper-  
17          ative education program joins with one or more  
18          institutions of higher education in order to (i)  
19          assist the institution that is not the institution  
20          carrying out the cooperative education program  
21          to develop and expand an existing program of  
22          cooperative education, or (ii) establish and im-  
23          prove or expand comprehensive cooperative edu-  
24          cation programs; and

1           “(F) encourage model cooperative education  
2           programs in the fields of science and mathe-  
3           matics for women and minorities who are under-  
4           represented in such fields; and

5           “(3) from the amounts available in each fiscal  
6           year under section 812(a)(5), for the conduct of re-  
7           search relating to cooperative education.

8           “(b) ADMINISTRATIVE PROVISION.—

9           “(1) IN GENERAL.—To carry out this section, the  
10          Secretary may—

11           “(A) make grants to or contracts with insti-  
12           tutions of higher education, or combinations of  
13           such institutions; and

14           “(B) make grants to or contracts with other  
15           public or private nonprofit agencies or organiza-  
16           tions, whenever such grants or contracts will  
17           make an especially significant contribution to  
18           attaining the objectives of this section.

19           “(2) LIMITATION.—

20           “(A) The Secretary may not use more than  
21           3 percent of the amount appropriated to carry  
22           out this section in each fiscal year to enter into  
23           contracts described in paragraph (1)(A).

24           “(B) The Secretary may use not more than  
25           3 percent of the amount appropriated to carry

1           *out this section in each fiscal year to enter into*  
 2           *contracts described in paragraph (1)(B).*

3           “(c) *SUPPLEMENT NOT SUPPLANT.*—*A recipient of a*  
 4           *grant or contract under this section may use the funds pro-*  
 5           *vided only so as to supplement and, to the extent possible,*  
 6           *increase the level of funds that would, in the absence of such*  
 7           *funds, be made available from non-Federal sources to carry*  
 8           *out the activities supported by such grant or contract, and*  
 9           *in no case to supplant such funds from non-Federal sources.*

10           **“PART C—COLLEGE PARTNERSHIP GRANTS**

11           **“SEC. 821. COLLEGE PARTNERSHIP GRANTS AUTHORIZED.**

12           “(a) *GRANTS AUTHORIZED.*—*From the amount ap-*  
 13           *propriated to carry out this part under section 800, the Sec-*  
 14           *retary shall award grants to eligible partnerships for the*  
 15           *purposes of developing and implementing articulation*  
 16           *agreements.*

17           “(b) *ELIGIBLE PARTNERSHIPS.*—*For purposes of this*  
 18           *part, an eligible partnership shall include at least two insti-*  
 19           *tutions of higher education, or a system of institutions of*  
 20           *higher education, and may include either or both of the fol-*  
 21           *lowing:*

22                   “(1) *A consortia of institutions of higher edu-*  
 23                   *cation.*

24                   “(2) *A State higher education agency.*

1       “(c) *PRIORITY.—The Secretary shall give priority to*  
 2 *eligible partnerships that—*

3               “(1) *are located in a State that is in compliance*  
 4 *with section 486A; or*

5               “(2) *include—*

6                       “(A) *1 or more junior or community col-*  
 7 *leges (as defined by section 312(f) of this Act)*  
 8 *that award associate’s degrees; and*

9                       “(B) *1 or more institutions of higher edu-*  
 10 *cation that offer a baccalaureate or post bacca-*  
 11 *laureate degree not awarded by the institutions*  
 12 *described in subparagraph (A) with which it is*  
 13 *partnered.*

14       “(d) *MANDATORY USE OF FUNDS.—Grants awarded*  
 15 *under this part shall be used for—*

16               “(1) *the development of policies and programs to*  
 17 *expand opportunities for students to earn bachelor’s*  
 18 *degrees, by facilitating the transfer of academic cred-*  
 19 *its between institutions and expanding articulation*  
 20 *and guaranteed transfer agreements between institu-*  
 21 *tions of higher education, including through common*  
 22 *course numbering and general education core cur-*  
 23 *riculum;*

24               “(2) *academic program enhancements; and*



1           “(3) programs to identify and remove barriers  
2           that inhibit student transfers, including technological  
3           and informational programs.

4           “(e) *OPTIONAL USE OF FUNDS.*—Grants awarded  
5           under this part may be used for—

6           “(1) support services to students participating in  
7           the program, such as tutoring, mentoring, and aca-  
8           demic and personal counseling; and

9           “(2) any service that facilitates the transition of  
10          students between the partner institutions.

11          “(f) *PROHIBITION.*—No funds provided under this sec-  
12          tion shall be used to financially compensate an institution  
13          for the purposes of entering into an articulation agreement  
14          or for accepting students transferring into such institution.

15          “(g) *APPLICATIONS.*—Any eligible partnership that de-  
16          sires to obtain a grant under this section shall submit to  
17          the Secretary an application at such time, in such manner,  
18          and containing such information or assurances as the Sec-  
19          retary may require.

20          “(h) *REGULATIONS.*—The Secretary shall prescribe  
21          such regulations as may be necessary to carry out this sec-  
22          tion.

23          “(i) *DEFINITION.*—For purposes of this section, the  
24          term ‘articulation agreement’ means an agreement between  
25          institutions of higher education that specifies the accept-

1 *ability of courses in transfer toward meeting specific degree*  
 2 *requirements.*

3           **“PART D—STUDENT SUCCESS GRANTS**

4           **“SEC. 826. STUDENT SUCCESS GRANTS.**

5           “(a) *AUTHORIZATION OF PILOT PROGRAM.—From the*  
 6 *amount appropriated to carry out this part under section*  
 7 *800, the Secretary is authorized to award grants on a com-*  
 8 *petitive basis to eligible institutions for the purposes of help-*  
 9 *ing low-income students succeed in persisting in and com-*  
 10 *pleting postsecondary education and training programs.*

11          “(b) *DEFINITIONS.—*

12               “(1) *ELIGIBLE INSTITUTION.—In this section,*  
 13 *the term ‘eligible institution’ means an institution of*  
 14 *higher education in which, during the three-year pe-*  
 15 *riod preceding the year in which the institution is*  
 16 *applying for a grant under this section, an average*  
 17 *of not less than 50 percent of the institution’s enter-*  
 18 *ing first-year students are enrolled in developmental*  
 19 *courses to bring reading, writing, or mathematics*  
 20 *skills up to college-level.*

21               “(2) *ELIGIBLE STUDENT.—In this section, the*  
 22 *term ‘eligible student’ means a student who—*

23                       “(A) *is eligible to receive assistance under*  
 24 *section 401;*

1                   “(B) is a first-year student at the time of  
2                   entering the pilot program; and

3                   “(C) is selected by an eligible institution to  
4                   participate in the pilot program.

5           “(c) *APPLICATION.*—An eligible institution seeking a  
6   grant under this section shall submit an application to the  
7   Secretary at such time, in such manner, and containing  
8   such information as the Secretary may require.

9           “(d) *STUDENT SUCCESS GRANT AMOUNT.*—For an  
10   award year, each institution selected to participate in this  
11   pilot program shall receive an amount equal to \$1,500 mul-  
12   tiplied by the number of students the institution selects to  
13   participate in the pilot program in such year. An institu-  
14   tion shall not select more than 200 students to participate  
15   in the pilot program under this section during such year.

16           “(e) *PRIORITY FOR REPLICATION OF EVIDENCE-BASED*  
17   *POLICIES AND PRACTICES.*—The Secretary shall give pri-  
18   ority to applications submitted by eligible institutions that  
19   propose to replicate policies and practices that have proven  
20   effective in increasing persistence and completion by low-  
21   income students or students in need of developmental edu-  
22   cation.

23           “(f) *PEER REVIEW.*—The Secretary shall convene a  
24   peer review process to review applications for grants under  
25   this section and to make recommendations to the Secretary

1 *regarding the selection of grantees. Members of the peer re-*  
 2 *view committee shall include researchers and practitioners*  
 3 *who are recognized experts on services and policies to in-*  
 4 *crease low income student success in postsecondary edu-*  
 5 *cation and training. No member of the committee shall be*  
 6 *in a position to benefit financially from the grants to eligi-*  
 7 *ble institutions under subsection (d).*

8       “(g) *MANDATORY USES.—An eligible institution that*  
 9 *receives a grant under this section shall use the grant funds*  
 10 *to assign a Student Success Coach to every first-year stu-*  
 11 *dent participating in the pilot program to provide intensive*  
 12 *career and academic advising, ongoing personal help in*  
 13 *navigating college services such as financial aid and reg-*  
 14 *istration, and assistance in connecting to community re-*  
 15 *sources that can help students overcome family and per-*  
 16 *sonal challenges to success. Student Success Coaches—*

17               “(1) *shall work with not more than 50 new stu-*  
 18 *dents during any academic period;*

19               “(2) *may be employees of academic departments,*  
 20 *student services offices, community-based organiza-*  
 21 *tions, or other entities as deemed appropriate by the*  
 22 *institution; and*

23               “(3) *shall meet with each eligible student selected*  
 24 *for the pilot program before registration for courses.*

1       “(h) *PERMISSIBLE USES.*—An eligible institution that  
2 receives a grant under this section may use the grant funds  
3 to provide services and program innovations for students  
4 participating in the pilot, including the following:

5               “(1) *College and career success courses, with tui-*  
6 *tion and fees for the course covered by the Student*  
7 *Success Grant. These courses may cover college success*  
8 *topics, including how to take notes, how to study, how*  
9 *to take tests, and how to budget time, and may also*  
10 *include a substantial career exploration component.*  
11 *Institutions may use such courses to help students de-*  
12 *velop a College and Career Success Plan so that by*  
13 *the end of the first semester the students have a clear*  
14 *sense of their career goals and what classes to take to*  
15 *achieve such goals.*

16               “(2) *Work-study jobs with private employers in*  
17 *the students’ fields of study.*

18               “(3) *Learning communities that ensure that stu-*  
19 *dents participating in the pilot are clustered together*  
20 *for at least two courses beginning in the first semester*  
21 *after enrolling and have other opportunities to create*  
22 *and maintain bonds that allow them to provide aca-*  
23 *demic and social support to each other.*

24               “(4) *Curricular redesign, which may include*  
25 *such innovations as ‘blended’ or accelerated remedi-*

1        *ation classes that help Student Success Grant recipi-*  
2        *ents to attain college-level reading, writing, math*  
3        *skills (or a combination thereof) more rapidly than*  
4        *traditional remediation formats allow, and intensive*  
5        *skills refresher classes, offered prior to each semester,*  
6        *to help students who have tested into remedial*  
7        *coursework to reach entry level assessment scores for*  
8        *the postsecondary programs they wish to enter.*

9                *“(5) Instructional support, such as learning labs,*  
10              *supplemental instruction, and tutoring.*

11              *“(6) Assistance with support services, such as*  
12              *child care and transportation.*

13              *“(i) GRANT PERIOD; ADDITIONAL TECHNICAL ASSIST-*  
14              *ANCE.—*

15              *“(1) GRANT PERIOD.—Grants made under this*  
16              *section shall be for a period of not less than 60*  
17              *months.*

18              *“(2) ADDITIONAL TECHNICAL ASSISTANCE.—*  
19              *After 36 months, the Secretary shall review the per-*  
20              *formance of the Student Success Grant pilot program*  
21              *students at each institution, and if no significant im-*  
22              *provements have been made by Student Success Grant*  
23              *pilot program students in persistence and completion*  
24              *at an institution, then the Secretary shall provide ad-*

1       ditional technical assistance to help the institution  
2       improve outcomes.

3       “(j) *REQUIRED NON-FEDERAL SHARE.*—

4               “(1) *IN GENERAL.*—Each institution partici-  
5       pating in the pilot program under this section shall  
6       provide a non-Federal match of 25 percent of the  
7       amount of grant to carry out the activities of the pilot  
8       program. The non-Federal share under this section  
9       may be provided in cash or in kind.

10              “(2) *EFFECT ON NEED ANALYSIS.*—For the pur-  
11       pose of calculating a student’s need in accordance  
12       with part F of this title, services or benefits under  
13       this section shall not be considered to be an asset or  
14       income of the student or the students parents.

15       “(k) *TECHNICAL ASSISTANCE.*—The Secretary shall  
16       enter into contracts with private entities to provide such  
17       technical assistance to grantees under this section as the  
18       Secretary determines appropriate.

19       “(l) *EVALUATION.*—

20              “(1) *OUTCOME EVALUATIONS.*—The Secretary  
21       shall conduct an evaluation of program outcomes  
22       under the pilot program, and shall disseminate to the  
23       public the findings from the evaluation and informa-  
24       tion on best practices. The Secretary is encouraged to  
25       partner with other providers of funds, such as private

1     *foundations, to allow for use of an experimental or*  
2     *quasi-experimental evaluation in at least one of the*  
3     *pilot program sites.*

4             “(2) *INSTITUTIONAL PARTICIPATION.*—As a con-  
5     *dition of receiving grants under this section, partici-*  
6     *parting institutions shall work with the evaluator to*  
7     *track persistence and completion outcomes for stu-*  
8     *dents in the pilot program, specifically the proportion*  
9     *of these students who take and complete developmental*  
10    *education courses, the proportion who take and com-*  
11    *plete college-level coursework, and the proportion who*  
12    *complete certificates and degrees. This data shall be*  
13    *broken down by race, ethnicity, and age and the eval-*  
14    *uator shall assist institutions in analyzing this data*  
15    *to compare Student Success Grant pilot program par-*  
16    *ticipants to comparable nonparticipants, using statis-*  
17    *tical techniques to control for differences in the*  
18    *groups.*

19            “(3) *ANNUAL REPORTS.*—Participating institu-  
20    *tions under this section shall report on the data speci-*  
21    *fied in paragraph (2) annually and the Secretary*  
22    *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.

“(b) *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.

“(c) *PRIORITIES.*—The Secretary shall give priority to applications that—

“(1) are from institutions of higher education in which not less than 50 percent of the institution’s entering first-year students who are subject to mandatory assessment, are assessed as needing develop-

1        *mental courses to bring reading, writing, or mathe-*  
2        *matics skills up to college-level; and*

3            *“(2) propose to replicate practices that have*  
4        *proven effective with adults or propose to collaborate*  
5        *with adult education providers.*

6        *“(d) PEER REVIEW.—The Secretary shall convene a*  
7        *peer review process to review applications for grants under*  
8        *this section and to make recommendations to the Secretary*  
9        *regarding the selection of grantees.*

10        *“(e) MANDATORY ACTIVITY.—An eligible institution*  
11        *that receives a grant under this section shall use the grant*  
12        *funds to create workforce bridge programs that customize*  
13        *developmental education curricula, including English lan-*  
14        *guage instruction, to the content of the for-credit occupa-*  
15        *tional certificate or degree programs, or clusters of such pro-*  
16        *grams, in which developmental education students seek to*  
17        *enroll. Such bridge programs may include those that inte-*  
18        *grate the curricula and the instruction of both develop-*  
19        *mental and college-level coursework or that dually enroll*  
20        *students in remediation and college-level coursework.*

21        *“(f) PERMISSIBLE ACTIVITIES.—An eligible institu-*  
22        *tion that receives a grant under this section, in addition*  
23        *to creating workforce bridge programs, may use the grant*  
24        *funds to carry out the following:*

1           “(1) *Design and implement innovative ways to*  
2           *improve retention in and completion of developmental*  
3           *education courses, including enrolling students in co-*  
4           *horts, accelerating course content, integrating remedi-*  
5           *ation and college-level curricula and instruction, du-*  
6           *ally enrolling students in developmental and college-*  
7           *level courses, tutoring, providing counseling and other*  
8           *supportive services, and giving small, material incen-*  
9           *tives for attendance and performance.*

10           “(2) *In consultation with faculty in the appro-*  
11           *priate departments, redesignating class schedules to*  
12           *meet the needs of working adults, such as by creating*  
13           *evening, weekend, modular, compressed, distance-*  
14           *learning formats, or other alternative schedules.*

15           “(3) *Improving the quality of teaching in reme-*  
16           *dial courses through professional development, reclas-*  
17           *sification of such teaching positions, or other means*  
18           *the eligible institution determines appropriate.*

19           “(4) *Any other activities the eligible institution*  
20           *and the Secretary determine will promote retention*  
21           *of, and completion by, students attending institutions*  
22           *of higher education.*

23           “(5) *Fully advise students on the range of op-*  
24           *tions and programs available, which may include: di-*

1        *ploma; certification; 2-year degree; associate's degree;*  
 2        *transfer degree to upper division; and career options.*

3        “(g) *GRANT PERIOD.*—*Grants made under this section*  
 4        *shall be for a period of not less than 36 months and not*  
 5        *more than 60 months.*

6        “(h) *TECHNICAL ASSISTANCE.*—*The Secretary shall*  
 7        *provide technical assistance to grantees under this section*  
 8        *throughout the grant period.*

9        “(i) *EVALUATION.*—*The Secretary shall conduct an*  
 10        *evaluation of program impacts under the demonstration*  
 11        *program, and shall disseminate to the public the findings*  
 12        *from the evaluation and information on best practices. The*  
 13        *Secretary is encouraged to partner with other providers of*  
 14        *funds, such as private foundations, to allow for use of a*  
 15        *random assignment evaluation in at least one of the dem-*  
 16        *onstration sites.*

17        “(j) *DEFINITION OF INSTITUTION.*—*In this section, the*  
 18        *term ‘institution of higher education’ means an institution*  
 19        *of higher education as defined in section 101(a).*

20                    **“PART F—PROJECT GRAD**

21        **“SEC. 836. PROJECT GRAD.**

22        “(a) *PURPOSES.*—*The purposes of this part are—*

23                    “(1) *to provide support and assistance to pro-*  
 24        *grams implementing integrated education reform*  
 25        *services in order to improve secondary school gradua-*

1        *tion and college attendance and completion rates for*  
2        *disadvantaged students; and*

3                *“(2) to promote the establishment of new pro-*  
4        *grams to implement such integrated education reform*  
5        *services.*

6        *“(b) GRANT AUTHORIZED.—From the amount appro-*  
7        *priated to carry out this part under section 800, the Sec-*  
8        *retary is authorized to award a grant to Project GRAD*  
9        *USA (referred to in this part as the ‘grantee’), a nonprofit*  
10       *educational organization that has as its primary purpose*  
11       *the improvement of secondary school graduation and college*  
12       *attendance and completion rates for disadvantaged stu-*  
13       *dents, to implement and sustain the integrated education*  
14       *reform services described in subsection (d)(3) at existing*  
15       *Project GRAD program sites and to promote the expansion*  
16       *of such programs to new sites.*

17       *“(c) REQUIREMENTS OF GRANT AGREEMENT.—The*  
18       *Secretary shall enter into an agreement with the grantee*  
19       *that requires that the grantee shall—*

20                *“(1) enter into subcontracts with nonprofit edu-*  
21        *cational organizations that serve a substantial num-*  
22        *ber or percentage of low-income students (referred to*  
23        *in this part as ‘subcontractors’), under which the sub-*  
24        *contractors agree to implement the programs de-*

1       *scribed in subsection (d) and provide matching funds*  
2       *for such programs;*

3               “(2) *directly carry out—*

4                       “(A) *activities to implement and sustain*  
5                       *the literacy, mathematics, classroom manage-*  
6                       *ment, social service, and college access programs*  
7                       *further described in subsection (d)(3);*

8                       “(B) *activities to build the organizational*  
9                       *and management capacity of the subcontractors*  
10                      *to effectively implement and sustain the pro-*  
11                      *grams;*

12                      “(C) *activities for the purpose of improving*  
13                      *and expanding the programs, including but not*  
14                      *limited to activities to further articulate a pro-*  
15                      *gram for one or more grade levels and across*  
16                      *grade levels, to tailor a program for a particular*  
17                      *target audience, and provide tighter integration*  
18                      *across programs;*

19                      “(D) *activities for the purpose of imple-*  
20                      *menting new Project GRAD program sites;*

21                      “(E) *activities for the purpose of promoting*  
22                      *greater public awareness of integrated education*  
23                      *reform services to improve secondary school*  
24                      *graduation and college attendance rates for dis-*  
25                      *advantaged students; and*

1           “(F) other activities directly related to im-  
 2           proving secondary school graduation and college  
 3           attendance and completion rates for disadvan-  
 4           taged students; and

5           “(3) use grant funds available under this part to  
 6           pay—

7           “(A) the amount determined under sub-  
 8           section (f)(1); and

9           “(B) costs associated with carrying out the  
 10          activities and providing the services, as provided  
 11          in paragraph (2) of this subsection.

12          “(d) *SUPPORTED PROGRAMS.*—

13           “(1) *DESIGNATION.*—The subcontractor pro-  
 14          grams referred to in subsection (c)(1) shall be known  
 15          as *Project GRAD* programs.

16           “(2) *FEEDER PATTERNS.*—Each subcontractor  
 17          shall implement a *Project GRAD* program and shall,  
 18          with the agreement of the grantee—

19           “(A) identify or establish not less than one  
 20          ‘feeder pattern’ of public schools, where ‘feeder  
 21          pattern’ is defined as a high school and the ele-  
 22          mentary schools and middle schools that channel  
 23          students into that high school; and

1           “(B) provide the integrated educational re-  
2           form services described in paragraph (3) at the  
3           identified feeder pattern or feeder patterns.

4           “(3) *INTEGRATED EDUCATION REFORM SERV-*  
5           *ICES.—The services provided through a Project GRAD*  
6           *program may include—*

7                   “(A) research-based programs in reading,  
8                   mathematics, and classroom management;

9                   “(B) campus-based social services programs,  
10                  including a systematic approach to increase  
11                  family and community involvement in the  
12                  schools served by the Project GRAD program;

13                  “(C) a college access program that in-  
14                  cludes—

15                          “(i) providing college scholarships for  
16                          students who meet established criteria;

17                          “(ii) proven approaches for increasing  
18                          student and family college awareness; and

19                          “(iii) assistance for such students in  
20                          applying for higher education financial aid;  
21                          and

22                          “(D) such other services identified by the  
23                          grantee as necessary to increase secondary school  
24                          graduation and college attendance and comple-  
25                          tion rates.



1       “(e) *USE OF FUNDS.*—Of the funds made available to  
2   carry out this part under section 800, not more than 8 per-  
3   cent of such funds, or \$4,000,000, whichever is less, shall  
4   be used by the grantee to pay for administration of the  
5   grant, with the remainder of funds to be used for the pur-  
6   poses described in subsections (c)(1) and (2).

7       “(f) *GRANTEE CONTRIBUTION AND MATCHING RE-*  
8   *QUIREMENT.*—

9               “(1) *IN GENERAL.*—The grantee shall provide to  
10   each subcontractor an average of \$200 for each pupil  
11   served by the subcontractor in the Project GRAD pro-  
12   gram, adjusted to take into consideration—

13               “(A) the resources available in the area  
14   where the subcontractor will implement the  
15   Project GRAD program; and

16               “(B) the need for Project GRAD programs  
17   in such area to improve student outcomes.

18               “(2) *MATCHING REQUIREMENT.*—Each subcon-  
19   tractor shall provide funds for the Project GRAD pro-  
20   gram in an amount that is equal to the amount re-  
21   ceived by the subcontractor from the grantee. Such  
22   matching funds may be provided in cash or in kind,  
23   fairly evaluated.

1           “(3) *WAIVER AUTHORITY.*—*The grantee may*  
 2           *waive, in whole or in part, the requirement of para-*  
 3           *graph (2) for a subcontractor, if the subcontractor—*

4                     “(A) *demonstrates that it would not other-*  
 5                     *wise be able to participate in the program; and*

6                     “(B) *enters into an agreement with the*  
 7                     *grantee with respect to the amount to which the*  
 8                     *waiver will apply.*

9           “(4) *DECREASE IN GRANTEE SHARE.*—*Based on*  
 10           *the funds or resources available to a subcontractor,*  
 11           *the grantee may elect to provide the subcontractor*  
 12           *with an amount that is less than the amount deter-*  
 13           *mined under paragraph (1).*

14           “(g) *EVALUATION.*—

15                     “(1) *EVALUATION BY THE SECRETARY.*—*The*  
 16                     *Secretary shall select an independent entity to evalu-*  
 17                     *ate, every 3 years, the performance of students who*  
 18                     *participate in a Project GRAD program under this*  
 19                     *part. The evaluation shall—*

20                             “(A) *be conducted using a rigorous research*  
 21                             *design for determining the effectiveness of the*  
 22                             *Project GRAD programs funded under this part;*  
 23                             *and*

24                             “(B) *compare reading and mathematics*  
 25                             *achievement and, where applicable, the sec-*

1        *ondary school graduation, college attendance,*  
2        *and college completion rates of students who par-*  
3        *ticipate in a Project GRAD program funded*  
4        *under this part with those indicators for students*  
5        *of similar backgrounds who do not participate in*  
6        *such program.*

7        “(2) *EVALUATION BY GRANTEE AND SUB-*  
8        *CONTRACTORS.—*

9                “(A) *IN GENERAL.—The grantee shall re-*  
10        *quire each subcontractor to prepare an in-depth*  
11        *report of the results and the use of funds of each*  
12        *Project GRAD program funded under this part*  
13        *that includes—*

14                “(i) *data on the reading and mathe-*  
15        *matics achievement of students involved in*  
16        *the Project GRAD program;*

17                “(ii) *statistics on secondary school*  
18        *graduation, college attendance, and college*  
19        *completion rates; and*

20                “(iii) *such financial reporting as re-*  
21        *quired by the Secretary to review the effec-*  
22        *tiveness and efficiency of the program.*

23                “(B) *FORM OF REPORT.—The report shall*  
24        *be in a form and include such content as shall*  
25        *be determined by the grantee, in consultation*

1           *with the Secretary or the entity selected by the*  
 2           *Secretary to evaluate the Project GRAD pro-*  
 3           *grams in accordance with paragraph (1).*

4           “(3) *AVAILABILITY OF EVALUATIONS.*—*Copies of*  
 5           *any evaluation or report prepared under this sub-*  
 6           *section shall be made available to—*

7                     “(A) *the Secretary; and*

8                     “(B) *the chairperson and ranking member*  
 9                     *of the authorizing committees.*

10          “(h) *DEFINITIONS.*—*In this part the term ‘low-income*  
 11          *student’ means a student who is determined by a local edu-*  
 12          *cational agency to be from a low-income family using the*  
 13          *measures described in section 1113(a)(5) of the Elementary*  
 14          *and Secondary Education Act of 1965 (20 U.S.C.*  
 15          *6313(a)(5)).*

16          **“PART G—IMPROVING COLLEGE ENROLLMENT BY**  
 17                     **SECONDARY SCHOOLS**

18          **“SEC. 841. IMPROVING COLLEGE ENROLLMENT BY SEC-**  
 19                     **ONDARY SCHOOLS.**

20          “(a) *IN GENERAL.*—*From the amount appropriated to*  
 21          *carry out this part under section 800, the Secretary shall*  
 22          *contract with one nonprofit organization described in sub-*  
 23          *section (b) to enable the nonprofit organization—*

24                     “(1) *to make publicly available the year-to-year*  
 25                     *higher education enrollment rate trends of secondary*

1        *school students, disaggregated by secondary school, in*  
2        *compliance with the Family Education Rights and*  
3        *Privacy Act of 1974;*

4                *“(2) to identify not less than 50 urban local edu-*  
5        *cational agencies and 5 States with significant rural*  
6        *populations, each serving a significant population of*  
7        *low-income students, and to carry out a comprehen-*  
8        *sive needs assessment in the agencies and States of the*  
9        *factors known to contribute to improved higher edu-*  
10       *cation enrollment rates, which factors shall include—*

11                *“(A) an evaluation of the local educational*  
12        *agency’s and State’s leadership strategies;*

13                *“(B) the secondary school curriculum and*  
14        *class offerings of the local educational agency*  
15        *and State;*

16                *“(C) the professional development used by*  
17        *the local educational agency and the State to as-*  
18        *sist teachers, higher education counselors, and*  
19        *administrators in supporting the transition of*  
20        *secondary students into higher education;*

21                *“(D) secondary school student attendance*  
22        *and other factors demonstrated to be associated*  
23        *with enrollment into higher education;*

24                *“(E) the data systems used by the local edu-*  
25        *cational agency and the State to measure college*

1           *enrollment rates and the incentives in place to*  
 2           *motivate the efforts of faculty and students to*  
 3           *improve student and school-wide outcomes; and*

4           *“(F) strategies to mobilize student leaders to*  
 5           *build a college-bound culture; and*

6           *“(3) to provide comprehensive services to im-*  
 7           *prove the school-wide higher education enrollment*  
 8           *rates of each of not less than 10 local educational*  
 9           *agencies and States, with the federally funded portion*  
 10          *of each project declining by not less than 20 percent*  
 11          *each year beginning in the second year of the com-*  
 12          *prehensive services, that—*

13           *“(A) participated in the needs assessment*  
 14           *described in paragraph (2); and*

15           *“(B) demonstrated a willingness and com-*  
 16           *mitment to improving the higher education en-*  
 17           *rollment rates of the local educational agency or*  
 18           *State, respectively.*

19          *“(b) GRANT RECIPIENT CRITERIA.—The recipient of*  
 20          *the grant awarded under subsection (a) shall be a nonprofit*  
 21          *organization with demonstrated expertise—*

22           *“(1) in increasing school-wide higher education*  
 23           *enrollment rates in low-income communities nation-*  
 24           *wide by providing curriculum, training, and tech-*

1        *nical assistance to secondary school staff and student*  
 2        *peer influencers; and*

3                *“(2) in a college transition data management*  
 4        *system.*

5                **“PART H—DIPLOMA MILL PREVENTION**

6        **“SEC. 851. PURPOSE; DEFINITIONS.**

7                *“(a) PURPOSE.—The purpose of this part is to protect*  
 8        *institutions of higher education, businesses and other em-*  
 9        *ployers, professional licensing boards, patients and clients*  
 10        *of degree holders, taxpayers, and other individuals from any*  
 11        *person claiming to possess a legitimate academic degree*  
 12        *that in fact was issued by a fraudulent or nonexistent*  
 13        *school, by a non-educational entity posing as a school, or*  
 14        *by any entity in violation of Federal or State law.*

15                *“(b) DEFINITIONS.—In this part:*

16                *“(1) DEGREE-GRANTING INSTITUTION.—The*  
 17        *term ‘degree-granting institution’ means any entity*  
 18        *that offers or confers an academic, professional, or oc-*  
 19        *cupational degree, diploma, or certificate, if such de-*  
 20        *gree, diploma, or certificate may be used to represent*  
 21        *to the general public that the individual possessing*  
 22        *such degree, diploma, or certificate has completed a*  
 23        *program of education or training beyond secondary*  
 24        *education.*

1           “(2) *DIPLOMA MILL.*—The term ‘diploma mill’  
2       *means any entity that—*

3           “(A) *lacks valid accreditation by an agency*  
4       *recognized by a Federal agency or a State gov-*  
5       *ernment or other organization or association*  
6       *that recognizes accrediting agencies as a valid*  
7       *accrediting agency of institutions of higher edu-*  
8       *cation; and*

9           “(B) *offers degrees, diplomas, or certifi-*  
10       *cations, for a fee, that may be used to represent*  
11       *to the general public that the individual pos-*  
12       *sessing such a degree, diploma, or certification*  
13       *has completed a program of education or train-*  
14       *ing beyond secondary education, but little or no*  
15       *education or course work is required to obtain*  
16       *such a degree, diploma, or certification.*

17           “(3) *INSTITUTION OF HIGHER EDUCATION.*—The  
18       *term ‘institution of higher education’ has the meaning*  
19       *given such term in section 102.*

20       **“SEC. 852. RECOGNIZED ACCREDITING AGENCIES AND IN-**  
21       **STITUTIONS.**

22           “(a) *LISTS MAINTAINED BY THE DEPARTMENT OF*  
23       *EDUCATION.*—Not later than 30 days after the date of the  
24       *enactment of this part, the Secretary of Education shall*  
25       *make available (in a regularly updated, electronic format)*



1 *to the Secretary of Homeland Security and the heads of*  
2 *other appropriate Federal agencies, a list of—*

3       “(1) *accrediting agencies and associations, recog-*  
4 *nized by the Secretary of Education under section*  
5 *496, or, at the discretion of the Secretary, other orga-*  
6 *nizations involved in accreditation;*

7       “(2) *eligible institutions, as defined under sec-*  
8 *tion 435(a); and*

9       “(3) *to the extent practicable, foreign degree-*  
10 *granting institutions that—*

11           “(A) *have degree-granting authority, as*  
12 *granted by the appropriate agency or ministry*  
13 *of jurisdiction in the home country of such insti-*  
14 *tution;*

15           “(B) *issue degrees that are accepted for pro-*  
16 *fessional licensure, public employment, and ad-*  
17 *mission into graduate programs of degree-grant-*  
18 *ing institutions in the home country (as deter-*  
19 *mined by the Secretary of State);*

20           “(C) *are determined by the Secretary of*  
21 *Education to be academically equivalent to an*  
22 *eligible institution, as defined in section 435(a);*  
23 *and*

24           “(D) *are located in a home country that is*  
25 *capable of performing an effective academic eval-*

1           uation of the degree-granting institutions to  
2           which it issues degree-granting authority, as de-  
3           termined by the Secretary of State, in consulta-  
4           tion with the Secretary of Education,  
5   for the purposes of assisting the Secretary of Homeland Se-  
6   curity and the heads of such Federal agencies to determine,  
7   for immigration and Federal employment and hiring pur-  
8   poses, the legitimacy of degree-granting institutions and de-  
9   grees issued by such institutions.

10       “(b) *REVISIONS TO LISTS.*—The Secretary of Edu-  
11   cation shall modify and maintain the lists described in sub-  
12   section (a) as necessary to ensure that the lists and the in-  
13   formation contained in the lists are accurate and up-to-  
14   date, based on the most recent information available to the  
15   Secretary.

16       “(c) *NOTICE OF RECOGNITION.*—To be eligible to re-  
17   ceive funds under title IV, each eligible institution described  
18   in subsection (a)(2) shall, not later than 60 days after the  
19   date of the enactment of this part, prominently display on  
20   the institution’s Internet website a notice indicating that  
21   the institution is recognized by the Secretary of Education  
22   as a legitimate institution for immigration and Federal  
23   employment and hiring purposes. If the Secretary of Edu-  
24   cation determines that an institution no longer qualifies as  
25   a legitimate degree-granting institutions described in sub-

1 *section (a)(2), and removes the institution from the list*  
2 *maintained under such subsection, the institution shall, not*  
3 *later than 15 days after the removal of the institution from*  
4 *such list, delete the notice required by this subsection from*  
5 *the institution’s Internet website.*

6 **“SEC. 853. ACCREDITING AGENCIES.**

7       *“No accrediting agency or association may be consid-*  
8 *ered to be a reliable authority as to the quality of education*  
9 *or training offered by a degree-granting institution for any*  
10 *purpose related to immigration, Federal employment and*  
11 *hiring practices, or for any other Federal purposes, unless*  
12 *the agency or association is on the list of accrediting agen-*  
13 *cies and associations recognized by the Secretary of Edu-*  
14 *cation and provided to the Secretary of Homeland Security*  
15 *under section 852. The Secretary may consult with other*  
16 *organizations, such as the Council for Higher Education*  
17 *Accreditation, for such purposes.*

18 **“SEC. 854. TASK FORCE.**

19       *“(a) TASK FORCE ESTABLISHED.—The Secretary of*  
20 *Education shall establish within the Department of Edu-*  
21 *cation the Diploma Mill Task Force (referred to in this part*  
22 *as the ‘Task Force’).*

23       *“(b) MEMBERSHIP.—*

1           “(1) *NUMBER AND APPOINTMENT.—The Task*  
2           *Force shall, if practicable, be composed of 19 mem-*  
3           *bers, as follows:*

4                   “(A) *The Assistant Secretary of Education*  
5                   *for Postsecondary Education.*

6                   “(B) *A representative of the Department of*  
7                   *Education with experience related to the deter-*  
8                   *mination of the legitimacy and quality of degrees*  
9                   *from foreign institutions of higher education, se-*  
10                  *lected by the Secretary of Education.*

11                  “(C) *A representative of the Department of*  
12                  *Justice, selected by the Attorney General.*

13                  “(D) *A representative of the Federal Trade*  
14                  *Commission, selected by the Chairman of such*  
15                  *agency.*

16                  “(E) *A representative of the Secret Service,*  
17                  *selected by the Director of the Secret Service.*

18                  “(F) *A representative of the Department of*  
19                  *State, selected by the Secretary of State.*

20                  “(G) *A representative of the Department of*  
21                  *Homeland Security, selected by the Secretary of*  
22                  *Homeland Security.*

23                  “(H) *A representative of the Office of Per-*  
24                  *sonnel Management, selected by the Director of*  
25                  *such Office.*

1           “(I) *A representative of a national accredi-*  
2           *tation association.*

3           “(J) *A representative of a national organi-*  
4           *zation representing collegiate registrars and ad-*  
5           *missions officers.*

6           “(K) *Two representatives of State degree*  
7           *approval agencies, selected by agreement of at*  
8           *least 3 of the Speaker of the House of Represent-*  
9           *atives, the Senate majority leader, the House mi-*  
10          *nority leader, and the Senate minority leader.*

11          “(L) *Two representatives from regionally*  
12          *accredited institutions of higher education, se-*  
13          *lected by agreement of at least 3 of the Speaker*  
14          *of the House of Representatives, the Senate ma-*  
15          *jority leader, the House minority leader, and the*  
16          *Senate minority leader.*

17          “(M) *One representative from a nationally*  
18          *accredited institution of higher education, se-*  
19          *lected by agreement of at least 3 of the Speaker*  
20          *of the House of Representatives, the Senate ma-*  
21          *jority leader, the House minority leader, and the*  
22          *Senate minority leader.*

23          “(N) *Four individuals from the general*  
24          *population with experience in higher education,*  
25          *the detection of fraudulent degrees and degree-*

1       *granting institutions, or law enforcement related*  
2       *to credential fraud, selected as follows:*

3               “(i) *One individual selected by the*  
4               *Speaker of the House of Representatives.*

5               “(ii) *One individual selected by the*  
6               *minority leader of the House of Representa-*  
7               *tives.*

8               “(iii) *One individual selected by the*  
9               *majority leader of the Senate.*

10              “(iv) *One individual selected by the*  
11              *minority leader of the Senate.*

12              “(2) *CRITERIA FOR MEMBERSHIP.—All members*  
13              *of the Task Force shall be persons who are especially*  
14              *qualified to serve on the Task Force by virtue of their*  
15              *education, training, or experience, particularly in the*  
16              *fields of higher education, accreditation of institutions*  
17              *of higher education, foreign higher education stand-*  
18              *ards, State regulation of institutions of higher edu-*  
19              *cation, immigration, Federal employment require-*  
20              *ments and hiring practices, or fraud prevention, de-*  
21              *tection, or enforcement.*

22              “(3) *TERMS.—Each member shall be appointed*  
23              *for the life of the Task Force.*

1           “(4) *VACANCIES*.—*A vacancy in the Task Force*  
2           *shall be filled in the manner in which the original*  
3           *appointment was made.*

4           “(5) *CHAIR*.—*At the first meeting of the Task*  
5           *Force, the members of the Task Force shall elect a*  
6           *member of the Task Force to serve as Chair.*

7           “(c) *DUTIES*.—

8           “(1) *GUIDELINES*.—*The Task Force shall develop*  
9           *guidelines, to be used for the development of Federal*  
10          *legislation, to identify degree-granting institutions as*  
11          *legitimate or fraudulent degree-granting institutions*  
12          *for Federal purposes. In developing such guidelines,*  
13          *the Task Force shall consider—*

14               “(A) *characteristics of degree-granting insti-*  
15               *tutions that help determine the legitimacy of the*  
16               *institution, such as whether an entity—*

17                       “(i) *offers or confers degrees, diplomas,*  
18                       *or certificates—*

19                               “(I) *for little or no meaningful*  
20                               *academic work;*

21                                       “(II) *without requiring an appro-*  
22                                       *priate level of academic achievement*  
23                                       *for the attainment of such degrees, di-*  
24                                       *plomas, or certificates; or*

1                   “(III) without imposing academic  
2                   or other requirements for admittance  
3                   into the institutions or programs offer-  
4                   ing such degrees, diplomas, or certifi-  
5                   cates;

6                   “(ii) has fiscal and administrative  
7                   structures and capacity appropriate to the  
8                   specified scale of educational operations;

9                   “(iii) has resources to support claims  
10                  as a degree-granting institution, including  
11                  curricula, qualified faculty, facilities, equip-  
12                  ment, and supplies, student support serv-  
13                  ices, objectives of the degrees or credentials  
14                  offered, admissions practices, academic cal-  
15                  endars and catalogs, and a grading system;  
16                  and

17                  “(iv) has degree-granting authority  
18                  issued by the States in which degrees, or in-  
19                  struction leading to degrees, are offered, and  
20                  is recognized by such States as an approved  
21                  institution of higher education;

22                  “(B) the feasibility of defining the term  
23                  ‘fraudulent degree-granting institution’ (com-  
24                  monly referred to as ‘diploma mills’), and if fea-



1           sible, shall define such term to propose for use in  
2           Federal laws and regulations;

3           “(C) issues related to—

4                   “(i) the detection of new and existing  
5                   fraudulent degree-granting institutions;

6                   “(ii) recognition and prevention of the  
7                   practices used by such fraudulent degree-  
8                   granting institutions to avoid detection;

9                   “(iii) the enforcement of laws and reg-  
10                  ulations prohibiting such fraudulent degree-  
11                  granting institutions and practices and the  
12                  use of fraudulent degrees; and

13                  “(iv) the prosecution of such fraudulent  
14                  degree-granting institutions and practices  
15                  and the use of fraudulent degrees;

16           “(D) difficulties in identifying fraudulent  
17           degree-granting institutions located in foreign  
18           countries, or that claim recognition or degree-  
19           granting authority from foreign countries;

20           “(E) means to alert and educate the public  
21           about fraudulent degree-granting institutions  
22           and the use of fraudulent degrees;

23           “(F) laws, regulations, and other means  
24           used by States to address fraudulent degree-

1       *granting institutions and the use of fraudulent*  
2       *degrees;*

3               “(G) *the potential need for coordination*  
4       *and cooperation among various Federal agencies*  
5       *to investigate and prosecute suspected fraudulent*  
6       *degree-granting institutions, and the detailed*  
7       *recommendations of the Task Force regarding*  
8       *such coordination and cooperation;*

9               “(H) *the study and the report to the Task*  
10       *Force required under this section; and*

11               “(I) *the purposes for which various agencies*  
12       *of the United States need to identify fraudulent*  
13       *degree-granting institutions, and identify, pro-*  
14       *hibit, and prevent the use of degrees issued by*  
15       *such fraudulent institutions, and the ability of*  
16       *such agencies to implement any guidelines con-*  
17       *sidered by the Task Force.*

18               “(2) *DEVELOPMENT OF FEDERAL PLAN.—The*  
19       *Task Force shall develop a strategic diploma integrity*  
20       *protection plan (referred to in this section as the*  
21       *‘Plan’) to address the sale and use of fraudulent de-*  
22       *grees for Federal purposes. The Plan shall include the*  
23       *following:*

1           “(A) *Recommendations to Congress regard-*  
2           *ing the implementation by Federal agencies of*  
3           *the guidelines developed under paragraph (1).*

4           “(B) *Recommendations to the Federal*  
5           *Trade Commission regarding the application of*  
6           *the guidelines developed under paragraph (1) to*  
7           *any rulemaking under section 856 and to the en-*  
8           *forcement of the rules promulgated under such*  
9           *section.*

10          “(3) *SUBMISSION OF REPORT TO CONGRESS.—*  
11          *Not later than one year after the date of the enact-*  
12          *ment of this part, the Task Force shall submit to the*  
13          *appropriate congressional committees a report, in-*  
14          *cluding—*

15               “(A) *the guidelines developed under para-*  
16               *graph (1);*

17               “(B) *the Plan developed under paragraph*  
18               *(2); and*

19               “(C) *a legislative proposal for consideration*  
20               *by Congress.*

21          **“SEC. 855. SENSE OF THE CONGRESS REGARDING USE BY**  
22                       **STATES OF THE FEDERAL PLAN AS GUIDE-**  
23                       **LINES.**

24          *“It is the sense of the Congress that—*

1           “(1) each State should implement a strategic di-  
2       ploma integrity plan similar to any strategic di-  
3       ploma integrity plan developed under section 854, to  
4       the extent practicable and as soon as practicable after  
5       the date of the adoption of such a plan under such  
6       section; and

7           “(2) States may adopt more stringent standards  
8       than those standards contained in the Federal stra-  
9       tegic diploma integrity plan and used by agencies of  
10      the United States to identify fraudulent degree-grant-  
11      ing institutions operating within such State, except  
12      that State law does not preempt Federal law as ap-  
13      plied to the employment and hiring practices of Fed-  
14      eral employees working in such State.

15   **“SEC. 856. UNFAIR AND DECEPTIVE ACTS AND PRACTICES**  
16                   **REGARDING DIPLOMAS AND PROFESSIONAL**  
17                   **CERTIFICATIONS.**

18           “Not later than 180 days after the date of enactment  
19   of this part, the Secretary shall request in writing that the  
20   Federal Trade Commission shall develop a plan to address  
21   diploma mills based on section 18 of Federal Trade Com-  
22   mission Act (15 U.S.C. 57a).

1       **“PART I—STUDENT SAFETY AND CAMPUS**

2               **EMERGENCY MANAGEMENT**

3       **“SEC. 861. STUDENT SAFETY AND CAMPUS EMERGENCY**  
4               **MANAGEMENT.**

5       “(a) *GRANTS AUTHORIZED.—*

6               “(1) *IN GENERAL.—From the amount appro-*  
7               *priated to carry out this part under section 800, the*  
8               *Secretary is authorized to award grants, on a com-*  
9               *petitive basis, to institutions of higher education or*  
10              *consortia of institutions of higher education to enable*  
11              *institutions of higher education or consortia to pay*  
12              *the Federal share of the cost of carrying out the au-*  
13              *thorized activities described in subsection (c).*

14              “(2) *CONSULTATION WITH THE ATTORNEY GEN-*  
15              *ERAL AND THE SECRETARY OF HOMELAND SECU-*  
16              *RITY.—Where appropriate, the Secretary shall award*  
17              *grants under this section in consultation with the At-*  
18              *torney General of the United States and the Secretary*  
19              *of Homeland Security.*

20              “(3) *DURATION.—The Secretary shall award*  
21              *each grant under this section for a period of 2 years.*

22              “(4) *LIMITATION ON INSTITUTIONS AND CON-*  
23              *SORTIA.—An institution of higher education or con-*  
24              *sortium shall be eligible for only 1 grant under this*  
25              *section.*

26       “(b) *FEDERAL SHARE; NON-FEDERAL SHARE.—*

1           “(1) *IN GENERAL.*—*The Federal share of the ac-*  
2           *tivities described in subsection (c) shall be 50 percent.*

3           “(2) *NON-FEDERAL SHARE.*—*The institution of*  
4           *higher education or consortium shall provide the non-*  
5           *Federal share, which may be provided from other*  
6           *Federal, State, and local resources dedicated to emer-*  
7           *gency preparedness and response.*

8           “(c) *AUTHORIZED ACTIVITIES.*—*Each institution of*  
9           *higher education or consortium receiving a grant under this*  
10          *section may use the grant funds to carry out 1 or more*  
11          *of the following:*

12           “(1) *Developing and implementing a state-of-the-*  
13           *art emergency communications system for each cam-*  
14           *pus of an institution of higher education or consor-*  
15           *tium, in order to contact students via cellular, text*  
16           *message, or other state-of-the-art communications*  
17           *methods when a significant emergency or dangerous*  
18           *situation occurs. An institution or consortium using*  
19           *grant funds to carry out this paragraph shall also, in*  
20           *coordination with the appropriate State and local*  
21           *emergency management authorities—*

22           “(A) *develop procedures that students, em-*  
23           *ployees, and others on a campus of an institu-*  
24           *tion of higher education or consortium will be*

1       *directed to follow in the event of a significant*  
2       *emergency or dangerous situation; and*

3               *“(B) develop procedures the institution of*  
4       *higher education or consortium shall follow to*  
5       *inform, within a reasonable and timely manner,*  
6       *students, employees, and others on a campus in*  
7       *the event of a significant emergency or dangerous*  
8       *situation, which procedures shall include the*  
9       *emergency communications system described in*  
10       *this paragraph.*

11       *“(2) Supporting measures to improve safety at*  
12       *the institution of higher education or consortium,*  
13       *such as—*

14               *“(A) security assessments;*

15               *“(B) security training of personnel and stu-*  
16       *dents at the institution of higher education or*  
17       *consortium;*

18               *“(C) where appropriate, coordination of*  
19       *campus preparedness and response efforts with*  
20       *local law enforcement, local emergency manage-*  
21       *ment authorities, and other agencies, to improve*  
22       *coordinated responses in emergencies among such*  
23       *entities; and*

24               *“(D) establishing a hotline that allows a*  
25       *student or staff member at an institution or con-*

1           *sortium to report another student or staff mem-*  
2           *ber at the institution or consortium who the re-*  
3           *porting student or staff member believes may be*  
4           *a danger to the reported student or staff member*  
5           *or to others.*

6           “(3) *Coordinating with appropriate local entities*  
7           *the provision of mental health services for students*  
8           *and staff of the institution of higher education or con-*  
9           *sortium, including mental health crisis response and*  
10          *intervention services for students and staff affected by*  
11          *a campus or community emergency.*

12          “(d) *APPLICATION.—Each institution of higher edu-*  
13          *cation or consortium desiring a grant under this section*  
14          *shall submit an application to the Secretary at such time,*  
15          *in such manner, and containing such information as the*  
16          *Secretary may require.*

17          “(e) *TECHNICAL ASSISTANCE.—The Secretary shall co-*  
18          *ordinate technical assistance provided by State and local*  
19          *emergency management agencies, the Department of Home-*  
20          *land Security, and other agencies as appropriate, to insti-*  
21          *tutions of higher education or consortia that request assist-*  
22          *ance in developing and implementing the activities assisted*  
23          *under this section.*

24          “(f) *RULE OF CONSTRUCTION.—Nothing in this sec-*  
25          *tion shall be construed—*



1           “(1) to provide a private right of action to any  
2           person to enforce any provision of this section;

3           “(2) to create a cause of action against any in-  
4           stitution of higher education or any employee of the  
5           institution for any civil liability; or

6           “(3) to affect the Family Educational Rights  
7           and Privacy Act of 1974 or the regulations issued  
8           under section 264 of the Health Insurance Portability  
9           and Accountability Act of 1996 (42 U.S.C. 1320d-2  
10          note).

11   **“SEC. 862. MODEL EMERGENCY RESPONSE POLICIES, PRO-**  
12                           **CEDURES, AND PRACTICES.**

13           “The Secretary of Education, in consultation with the  
14   Attorney General of the United States and the Secretary  
15   of Homeland Security, shall—

16           “(1) advise institutions of higher education on  
17           model emergency response policies, procedures, and  
18           practices; and

19           “(2) disseminate information concerning those  
20           policies, procedures, and practices.

21   **“SEC. 863. PREPARATION FOR FUTURE DISASTERS PLAN BY**  
22                           **THE SECRETARY.**

23           “(a) *PLANNING.*—The Secretary shall develop and  
24   maintain a disaster relief plan, in consultation with the  
25   appropriate agencies, to ensure a procedure is in place to

1 *address the needs of institutions of higher education in the*  
 2 *event of a disaster with respect to which the President has*  
 3 *declared a major disaster or emergency. The plan shall take*  
 4 *into consideration the immediate safety and well-being of*  
 5 *students, faculty, and staff. Additionally, such plan shall*  
 6 *outline steps that can be taken to ensure institutions of*  
 7 *higher education have a timely recovery.*

8       “(b) *SUBMISSION TO CONGRESS.*—*The Secretary shall*  
 9 *submit to the authorizing committees the plan required by*  
 10 *subsection (a) and any revisions of such plan.*

11       **“SEC. 864. EDUCATION DISASTER AND EMERGENCY RELIEF**  
 12               **LOAN PROGRAM.**

13       “(a) *PROGRAM AUTHORIZED.*—*The Secretary is au-*  
 14 *thorized to establish an Education Disaster and Emergency*  
 15 *Relief Loan Program for institutions of higher education*  
 16 *for direct or indirect losses incurred as a result of a feder-*  
 17 *ally declared major disaster or emergency.*

18       “(b) *USE OF ASSISTANCE.*—*The Secretary may, sub-*  
 19 *ject to the availability of appropriations, provide any as-*  
 20 *sistance under the Education Disaster and Emergency Re-*  
 21 *lief Loan program to institutions of higher education pur-*  
 22 *suant to this section only after the declaration of a major*  
 23 *disaster or emergency by the President. Loan funds pro-*  
 24 *vided under this section may be used for—*

1           “(1) *direct and indirect construction, replace-*  
2           *ment, and renovation costs associated with or result-*  
3           *ing from or preparing for a major disaster or emer-*  
4           *gency;*

5           “(2) *faculty salaries and incentives for retaining*  
6           *faculty; or*

7           “(3) *reimbursement for lost tuition and other*  
8           *revenues.*

9           “(c) *APPLICATION REQUIREMENTS.—To be considered*  
10          *for a loan under this section, an institution of higher edu-*  
11          *cation shall—*

12           “(1) *submit a financial statement and other ap-*  
13           *propriate data, documentation, or evidence requested*  
14           *by the Secretary that indicates that the institution*  
15           *incurred losses resulting from the impact of a major*  
16           *disaster or emergency and the monetary amount of*  
17           *such losses; and*

18           “(2) *demonstrate that the institution attempted*  
19           *to minimize the cost of any losses by pursuing collat-*  
20           *eral source compensation from the Federal Emergency*  
21           *Management Agency and insurance coverage prior to*  
22           *seeking a loan under this section, except that an insti-*  
23           *tution of higher education shall not be required to re-*  
24           *ceive collateral source compensation from the Federal*

1       *Emergency Management Agency and insurance prior*  
2       *to being eligible for a loan under this section.*

3       “(d) *AUDIT.—The Secretary may audit a financial*  
4       *statement submitted under subsection (c) and an institution*  
5       *of higher education shall provide any information that the*  
6       *Secretary determines necessary to conduct such an audit.*

7       “(e) *REDUCTION IN LOAN AMOUNTS.—To determine*  
8       *the amount of a loan to make available to an institution*  
9       *of higher education under this section, the Secretary shall*  
10       *calculate the monetary amount of losses incurred by such*  
11       *institution as a result of a federally declared major disaster*  
12       *or emergency, and shall reduce such amount by the amount*  
13       *of collateral source compensation the institution has al-*  
14       *ready received from insurance, the Federal Emergency*  
15       *Management Agency, and the Small Business Administra-*  
16       *tion.*

17       “(f) *ESTABLISHMENT OF LOAN PROGRAM.—In order*  
18       *to disburse loans under this section, the Secretary shall pre-*  
19       *scribe regulations that—*

20               “(1) *establish the loan program, taking into con-*  
21       *sideration the structure of existing capital financing*  
22       *loan programs under this Act; and*

23               “(2) *that set forth—*

24                       “(A) *terms for the loan program under this*  
25       *section;*

1           “(B) procedures for an application for a  
2           loan under this section; and

3           “(C) minimum requirements for the loan  
4           program and for receiving a loan under this sec-  
5           tion, including the following:

6                   “(i) Online forms to be used in submit-  
7                   ting request for a loan under this section.

8                   “(ii) Information to be included in  
9                   such forms.

10                   “(iii) Procedures to assist in filing and  
11                   pursing a loan under this section.

12           “(g) DEFINITIONS.—In this section:

13                   “(1) INSTITUTION AFFECTED BY A GULF HURRI-  
14                   CANE DISASTER.—The term ‘institution affected by a  
15                   Gulf hurricane disaster’ means an institution of high-  
16                   er education that—

17                           “(A) is located in an area affected by a  
18                           Gulf hurricane disaster; and

19                           “(B) is able to demonstrate that the institu-  
20                           tion—

21                                   “(i) incurred physical damage result-  
22                                   ing from the impact of a Gulf hurricane  
23                                   disaster;

24                                   “(ii) was not able to fully reopen in  
25                                   existing facilities or to fully reopen to the

1                   *pre-hurricane levels for 30 days or more on*  
 2                   *or after August 29, 2005.*

3                   “(2) *AREA AFFECTED BY A GULF HURRICANE*  
 4                   *DISASTER; GULF HURRICANE DISASTER.*—*The terms*  
 5                   *‘area affected by a Gulf hurricane disaster’ and ‘Gulf*  
 6                   *hurricane disaster’ have the meanings given such*  
 7                   *terms in section 209 of the Higher Education Hurri-*  
 8                   *cane Relief Act of 2005 (Public Law 109–148, 119*  
 9                   *Stat. 2809).*

10                  “(3) *EMERGENCY.*—*The term ‘emergency’ has the*  
 11                  *meaning given such term in section 102(1) of the*  
 12                  *Robert T. Stafford Disaster Relief and Emergency As-*  
 13                  *sistance Act.*

14                  “(4) *INSTITUTIONS OF HIGHER EDUCATION.*—  
 15                  *The term ‘institution of higher education’ has the*  
 16                  *meaning given such term in section 101.*

17                  “(5) *MAJOR DISASTER.*—*The term ‘major dis-*  
 18                  *aster’ has the meaning given the term in section*  
 19                  *102(2) of the Robert T. Stafford Disaster Relief and*  
 20                  *Emergency Assistance Act.*

21                  “(h) *EFFECTIVE DATE.*—*This section shall take effect*  
 22                  *on the date of the enactment of the College Opportunity and*  
 23                  *Affordability Act of 2007, and assistance provided to insti-*  
 24                  *tutions of higher education pursuant to this section shall*  
 25                  *be available only with respect to federally declared major*

1 *disasters or emergencies that occur after the date of the en-*  
 2 *actment of the College Opportunity and Affordability Act*  
 3 *of 2007, except in the case of an institution affected by a*  
 4 *Gulf hurricane disaster.*

5 **“SEC. 865. GUIDANCE ON MENTAL HEALTH DISCLOSURES**  
 6 **FOR STUDENT SAFETY.**

7 *“Not later than 90 days after the date of enactment*  
 8 *of the College Opportunity and Affordability Act of 2007,*  
 9 *the Secretary shall provide guidance that clarifies the role*  
 10 *of institutions of higher education with respect to the disclo-*  
 11 *sure of education records, including to a parent or legal*  
 12 *guardian of a dependent student, in the event that such stu-*  
 13 *dent demonstrates that the student poses a significant risk*  
 14 *of harm to himself or herself or to others, including a sig-*  
 15 *nificant risk of suicide, homicide, or assault. Such guidance*  
 16 *shall further clarify that an institution of higher education*  
 17 *that, in good faith, discloses education records or other in-*  
 18 *formation in accordance with the requirements of this Act*  
 19 *and the Family Educational Rights and Privacy Act of*  
 20 *1974 shall not be liable to any person for that disclosure.*

21 **“PART J—RURAL DEVELOPMENT GRANTS FOR**  
 22 **RURAL COLLEGES AND UNIVERSITIES**

23 **“SEC. 871. PURPOSE.**

24 *“The purposes of this part are—*

25 *“(1) to increase—*

1           “(A) enrollment and graduation rates from  
 2           2-year and 4-year colleges, and articulation from  
 3           2-year degree programs into 4-year degree pro-  
 4           grams, of graduates of rural high schools; and

5           “(B) degree completion for nontraditional  
 6           students from rural areas; and

7           “(2) to promote economic growth and develop-  
 8           ment in rural America through partnership grants to  
 9           consortia of rural colleges and universities and other  
 10          entities, such as local education agencies, employers,  
 11          education service agencies, and nonprofit organiza-  
 12          tions.

13   **“SEC. 872. DEFINITIONS.**

14          *“For the purposes of this part:*

15           “(1) *RURAL INSTITUTION OF HIGHER EDU-*  
 16           *CATION.—The term ‘rural institution of higher edu-*  
 17           *cation’ means an institution of higher education that*  
 18           *primarily serves rural areas.*

19           “(2) *RURAL AREA.—The term ‘rural area’ means*  
 20           *an area in which there is located a rural local edu-*  
 21           *cational agency.*

22           “(3) *RURAL LOCAL EDUCATION AGENCY.—The*  
 23           *term ‘rural local education agency’ means a local*  
 24           *educational agency (as such term is defined in section*  
 25           *9101 of the Elementary and Secondary Education*



1     *Act of 1965) all of the schools of which meet a metro-*  
 2     *centric locale code of 41, 42, or 43 as determined by*  
 3     *the National Center for Education Statistics (NCES),*  
 4     *in conjunction with the Bureau of the Census, using*  
 5     *the NCES system for classifying local educational*  
 6     *agencies.*

7             “(4) *NONTRADITIONAL STUDENT.*—*The term*  
 8     *‘nontraditional student’ means an individual who—*

9                 “(A) *delays enrollment in an institution of*  
 10     *higher education by 3 or more years after com-*  
 11     *pleting high school;*

12                “(B) *attends an institution of higher edu-*  
 13     *cation part-time or less than part-time; or*

14                “(C) *attends an institution of higher edu-*  
 15     *cation and—*

16                   “(i) *works full-time;*

17                   “(ii) *is an independent student;*

18                   “(iii) *has one or more dependents other*  
 19     *than a spouse;*

20                   “(iv) *is a single parent; or*

21                   “(v) *does not have a high school di-*  
 22     *ploma.*

23             “(5) *REGIONAL EMPLOYER.*—*The term ‘regional*  
 24     *employer’ means employers qualifying as businesses*

1        *or other entities employing individuals within a rural*  
 2        *area.*

3        **“SEC. 873. ENSURING COLLEGE ACCESS FOR RURAL HIGH**  
 4                **SCHOOL GRADUATES.**

5                *“(a) GRANTS AUTHORIZED.—From the amounts ap-*  
 6        *propriated to carry out this part under section 800, the Sec-*  
 7        *retary of Education is authorized to make grants in accord-*  
 8        *ance with this section to partnerships formed between one*  
 9        *or more rural institution of higher education and any of*  
 10        *the following entities:*

11                *“(1) One or more rural local educational agen-*  
 12        *cies.*

13                *“(2) One or more rural education service agen-*  
 14        *cies.*

15                *“(3) One or more regional employers.*

16                *“(4) One or more nonprofit organizations with*  
 17        *expertise in rural education.*

18                *“(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To be*  
 19        *eligible for a grant under this section, a partnership that*  
 20        *meets the requirements of subsection (a) shall submit to the*  
 21        *Secretary an application in such form and containing such*  
 22        *information as the Secretary shall prescribe. In deter-*  
 23        *mining which applications to approve for a grant under*  
 24        *this section, the Secretary shall consider—*

1           “(1) the percentage of graduates, attendees, or  
2       former attendees of high schools from rural local edu-  
3       cational agencies enrolled or otherwise affiliated with  
4       the entity;

5           “(2) in the case of employers, the percentage of  
6       employees that are graduates of high schools in rural  
7       local educational agencies.

8       “(c) *USE OF GRANT AMOUNTS.*—Funds made avail-  
9       able by a grant under this section to a partnership that  
10      meets the requirements of subsection (b) shall be used—

11           “(1) to improve enrollment rates for graduates  
12      and former attendees of rural high schools at rural  
13      institutions of higher education, including—

14           “(A) programs to provide information about  
15      college costs and financial aid options, assistance  
16      with college enrollment applications, and assist-  
17      ance with financial aid applications;

18           “(B) programs or initiatives that provide  
19      such graduates or former attendees of rural high  
20      schools access and exposure to campuses, classes,  
21      programs, and facilities of rural institutions of  
22      higher education, including covering the cost of  
23      transportation to and from institutions of higher  
24      education;

1           “(C) the formation of groups or other ini-  
2           tiatives that create support groups of such stu-  
3           dents expressing interest in attending rural in-  
4           stitutions of higher education;

5           “(D) extracurricular activities, such as in-  
6           ternships, community service, and other activi-  
7           ties for such individuals in advance of attending  
8           institutions of higher education; and

9           “(E) other initiatives that assist such indi-  
10          viduals in applying and developing interest in  
11          attending rural institutions of higher education;  
12          and

13          “(2) to encourage participation of nontraditional  
14          students in degree programs at rural institutions of  
15          higher education, including—

16               “(A) programs to provide information about  
17               college costs and financial aid options, assistance  
18               with college enrollment applications, and assist-  
19               ance with financial aid applications for institu-  
20               tions of higher education;

21               “(B) outreach to nontraditional students  
22               through community initiatives; and

23               “(C) formation of support groups for non-  
24               traditional students enrolling in 2-year degree

1           *programs and articulating from 2-year degree*  
2           *programs to 4-year degree programs.*

3   **“SEC. 874. ECONOMIC DEVELOPMENT PARTNERSHIPS.**

4           “(a) *GRANTS AUTHORIZED.*—*From the amounts ap-*  
5   *propriated to carry out this part under section 800, the Sec-*  
6   *retary of Education is authorized to make grants in accord-*  
7   *ance with this section to partnerships formed between one*  
8   *or more rural institutions of higher education and one or*  
9   *more regional employers.*

10          “(b) *ELIGIBLE PARTNERSHIPS; APPLICATIONS.*—*To be*  
11   *eligible for a grant under this section, a partnership that*  
12   *meets the requirements of subsection (a) shall submit to the*  
13   *Secretary an application in such form and containing such*  
14   *information as the Secretary shall prescribe. In deter-*  
15   *mining which applications to approve for a grant under*  
16   *this section, the Secretary shall consider—*

17               “(1) *the potential of the employer to employ*  
18    *graduates of rural institutions of higher education*  
19    *after graduation;*

20               “(2) *the potential of the employer engaged in the*  
21    *partnership to spur economic development in the re-*  
22    *gion; and*

23               “(3) *the relevance of the employer to the regional*  
24    *economy.*

1       “(c) *USE OF GRANT AMOUNTS.—Funds made avail-*  
 2 *able by a grant under this section to a partnership that*  
 3 *meets the requirements of subsection (a) shall be used—*

4               “(1) *to provide additional career training to*  
 5 *attendees of rural institutions of higher education in*  
 6 *fields relevant to the regional economy; and*

7               “(2) *to encourage regional businesses to employ*  
 8 *graduates of rural institutions of higher education.*

9       **“SEC. 875. QUALITY OF LIFE IN RURAL AREAS.**

10       “(a) *GRANTS AUTHORIZED.—From the amounts ap-*  
 11 *propriated to carry out this part under section 800, the Sec-*  
 12 *retary of Education is authorized to make grants in accord-*  
 13 *ance with this section to rural institutions of higher edu-*  
 14 *cation.*

15       “(b) *USE OF GRANT AMOUNTS.—Funds made avail-*  
 16 *able by a grant under this section to a partnership that*  
 17 *meets the requirements of subsection (a) shall be used to*  
 18 *create or strengthen academic programs to prepare grad-*  
 19 *uates to enter into high-need occupations in the regional*  
 20 *and local economies.*

21       **“SEC. 876. ALLOCATION OF APPROPRIATIONS.**

22       “(a) *GRANT CONSIDERATIONS.—In making grant allo-*  
 23 *cations under this part to qualifying institutions and part-*  
 24 *nerships, the Secretary shall consider—*

1           “(1) the percentage of graduates of rural high  
2           schools attending rural institutions of higher edu-  
3           cation in proximity to the entity receiving the grant;

4           “(2) employment needs of regional employers in  
5           proximity to entities receiving the grant; and

6           “(3) the health of the regional economy of the re-  
7           gion surrounding the entity receiving the grant.

8           “(b) *MAXIMUM AND MINIMUM GRANTS.*—No grant  
9           awarded by the Secretary under this part shall be less than  
10          \$200,000 or more than \$500,000.

11          “(c) *GRANT DURATION.*—A grant awarded under this  
12          part shall be awarded for one 3-year period.

13          **“PART K—IMPROVING SCIENCE, TECHNOLOGY,**  
14          **ENGINEERING, AND MATHEMATICS EDU-**  
15          **CATION WITH A FOCUS ON ALASKA NATIVE**  
16          **AND NATIVE HAWAIIAN STUDENTS**

17          **“SEC. 880. IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-**  
18                               **ING, AND MATHEMATICS EDUCATION WITH A**  
19                               **FOCUS ON ALASKA NATIVE AND NATIVE HA-**  
20                               **WAIAN STUDENTS.**

21          “(a) *PURPOSE.*—The purpose of this section is—

22               “(1) to develop or expand programs for the devel-  
23               opment of professionals in the fields of science, tech-  
24               nology, engineering, and mathematics; and

1           “(2) *to focus resources on meeting the edu-*  
 2           *cational and cultural needs of Alaska Natives and*  
 3           *Native Hawaiians.*

4           “(b) *DEFINITIONS.—In this section:*

5           “(1) *ALASKA NATIVE.—The term ‘Alaska Native’*  
 6           *has the meaning given the term ‘Native’ in section*  
 7           *3(b) of the Alaska Natives Claims Settlement Act (43*  
 8           *U.S.C. 1602(b)).*

9           “(2) *ELIGIBLE PARTNERSHIP.—The term ‘eligi-*  
 10          *ble partnership’ means a partnership that includes—*

11           “(A) *1 or more colleges or schools of engi-*  
 12          *neering;*

13           “(B) *1 or more colleges of science or mathe-*  
 14          *matics;*

15           “(C) *1 or more institutions of higher edu-*  
 16          *cation that offer 2-year degrees; and*

17           “(D) *1 or more private entities that—*

18           “(i) *conduct career awareness activities*  
 19          *showcasing local technology professionals;*

20           “(ii) *encourage students to pursue edu-*  
 21          *cation in science, technology, engineering,*  
 22          *and mathematics from elementary school*  
 23          *through college, and careers in those fields,*  
 24          *with the assistance of local technology pro-*  
 25          *fessionals;*



1                   “(iii) develop internships, apprentice-  
2                   ships, and mentoring programs in partner-  
3                   ship with relevant industries; and

4                   “(iv) assist with placement of interns  
5                   and apprentices.

6                   “(3) NATIVE HAWAIIAN.—The term ‘Native Ha-  
7                   waiian’ has the meaning given the term in section  
8                   7207 of the Elementary and Secondary Education  
9                   Act of 1965.

10                  “(c) GRANT AUTHORIZED.—From the amounts appro-  
11                  priated to carry out this part under section 800, the Sec-  
12                  retary is authorized to award a grant to an eligible partner-  
13                  ship to enable the eligible partnership to expand programs  
14                  for the development of science, technology, engineering, or  
15                  mathematics professionals, from elementary school through  
16                  college, including existing programs for Alaska Native and  
17                  Native Hawaiian students.

18                  “(d) USES OF FUNDS.—Grant funds under this section  
19                  shall be used for 1 or more of the following:

20                         “(1) Development or implementation of cultural,  
21                         social, or educational transition programs to assist  
22                         students to transition into college life and academics  
23                         in order to increase such students’ retention rates in  
24                         the fields of science, technology, engineering, or math-

1        *ematics, with a focus on Alaska Native or Native Ha-*  
2        *waiian students.*

3            *“(2) Development or implementation of academic*  
4        *support or supplemental educational programs to in-*  
5        *crease the graduation rates of students in the fields of*  
6        *science, technology, engineering, or mathematics, with*  
7        *a focus on Alaska Native and Native Hawaiian stu-*  
8        *dents.*

9            *“(3) Development or implementation of intern-*  
10       *ship programs, carried out in coordination with edu-*  
11       *cational institutions and private entities, to prepare*  
12       *students for careers in the fields of science, technology,*  
13       *engineering, or mathematics, with a focus on pro-*  
14       *grams that serve Alaska Native or Native Hawaiian*  
15       *students.*

16           *“(4) Such other activities as are consistent with*  
17       *the purposes of this section.*

18           *“(e) APPLICATION.—Each eligible partnership that de-*  
19       *sires a grant under this section shall submit an application*  
20       *to the Secretary at such time, in such manner, and con-*  
21       *taining such information as the Secretary may require.*

22           *“(f) PRIORITY.—In awarding grants under this sec-*  
23       *tion, the Secretary shall give priority to an eligible partner-*  
24       *ship that provides 1 or more programs in which 30 percent*

1 *or more of the program participants are Alaska Native or*  
 2 *Native Hawaiian.*

3 “(g) *PERIOD OF GRANT.*—*A grant under this section*  
 4 *shall be awarded for a period of 5 years.*

5 “(h) *EVALUATION AND REPORT.*—*Each eligible part-*  
 6 *nership that receives a grant under this section shall con-*  
 7 *duct an evaluation to determine the effectiveness of the pro-*  
 8 *grams funded under the grant and shall provide a report*  
 9 *regarding the evaluation to the Secretary not later than 6*  
 10 *months after the end of the grant period.*

11 **“PART L—NATIONAL DATABASE ON FINANCIAL**  
 12 **ASSISTANCE FOR STUDY OF SCIENCE, TECH-**  
 13 **NOLOGY, ENGINEERING, AND MATHEMATICS**

14 **“SEC. 881. NATIONAL DATABASE ON FINANCIAL ASSIST-**  
 15 **ANCE FOR STUDY OF SCIENCE, TECHNOLOGY,**  
 16 **ENGINEERING, AND MATHEMATICS.**

17 “(a) *ESTABLISHMENT AND MAINTENANCE OF DATA-*  
 18 *BASE.*—

19 “(1) *DATABASE.*—*The Secretary of Education*  
 20 *shall establish and maintain, on the public website of*  
 21 *the Department of Education, a database consisting*  
 22 *of information on scholarships, fellowships, and other*  
 23 *programs of financial assistance available from pub-*  
 24 *lic and private sources for the study of science, tech-*

1        *nology, engineering, or mathematics at the postsec-*  
2        *ondary and post baccalaureate levels.*

3                *“(2) PRESENTATION OF INFORMATION.—The in-*  
4        *formation maintained on the database established*  
5        *under this section shall be displayed on the website in*  
6        *the following manner:*

7                *“(A) Separate information shall be provided*  
8        *for each of the fields of study referred to in para-*  
9        *graph (1) and for postsecondary and post bacca-*  
10       *laureate programs of financial assistance.*

11               *“(B) The database shall provide specific in-*  
12       *formation on any programs of financial assist-*  
13       *ance which are targeted to individuals of a par-*  
14       *ticular gender, ethnicity, or other demographic*  
15       *group.*

16               *“(C) If the sponsor of any program of fi-*  
17       *nancial assistance included on the database*  
18       *maintains a public website, the database shall*  
19       *provide hyperlinks to the website.*

20               *“(D) In addition to providing the hyperlink*  
21       *to the website of a sponsor of a program of fi-*  
22       *nancial assistance as required under subpara-*  
23       *graph (C), the database shall provide general in-*  
24       *formation that an interested person may use to*

1           *contact the sponsor, including the sponsor’s elec-*  
2           *tronic mail address.*

3           “(E) *The database shall have a search capa-*  
4           *bility which permits an individual to search for*  
5           *information on the basis of each category of the*  
6           *information provided and on the basis of com-*  
7           *binations of categories of the information pro-*  
8           *vided, including whether the scholarship is need-*  
9           *or merit-based and by relevant academic majors.*

10          “(F) *The database shall include a rec-*  
11          *ommendation that students and families should*  
12          *carefully review all of the application require-*  
13          *ments prior to applying for aid, and a dis-*  
14          *claimer that the scholarships presented in the*  
15          *database are not provided or endorsed by the De-*  
16          *partment of Education or the Federal Govern-*  
17          *ment.*

18          “(b) *DISSEMINATION OF INFORMATION ON DATA-*  
19          *BASE.—The Secretary shall take such actions as may be*  
20          *necessary on an ongoing basis, including sending notices*  
21          *to secondary schools and institutions of higher education,*  
22          *to disseminate information on the database established and*  
23          *maintained under this part and to encourage its use by*  
24          *interested parties.*

1       “(c) *USE OF VENDOR TO OBTAIN INFORMATION.*—In  
 2       *carrying out this part, the Secretary of Education shall*  
 3       *enter into a contract with a private entity under which the*  
 4       *entity shall furnish and regularly update all of the informa-*  
 5       *tion required to be maintained on the database established*  
 6       *under this section.*

7       “(d) *ENCOURAGING THE PROVISION OF INFORMA-*  
 8       *TION.*—In carrying out this part, the Secretary of Edu-  
 9       *cation and the contracted entity shall consult with public*  
 10       *and private sources of scholarships and make easily avail-*  
 11       *able a process for such entities to provide regular and up-*  
 12       *dated information.*

13       **“PART M—TRAINING FOR REALTIME WRITERS**  
 14       **“SEC. 882. PROGRAM TO PROMOTE TRAINING AND JOB**  
 15       **PLACEMENT OF REALTIME WRITERS.**

16       “(a) *AUTHORIZATION OF GRANT PROGRAM.*—

17               “(1) *IN GENERAL.*—From the amounts appro-  
 18       *priated to carry out this part under section 800, the*  
 19       *Secretary of Commerce shall make competitive grants*  
 20       *to eligible entities under subsection (b) to promote*  
 21       *training and placement of individuals, including in-*  
 22       *dividuals who have completed a court reporting train-*  
 23       *ing program, as realtime writers in order to meet the*  
 24       *requirements for closed captioning of video program-*  
 25       *ming set forth in section 713 of the Communications*

1     *Act of 1934 (47 U.S.C. 613) and the rules prescribed*  
2     *thereunder.*

3             “(2) *ELIGIBLE ENTITIES.*—*For purposes of this*  
4     *part, an eligible entity is a court reporting program*  
5     *that—*

6             “(A) *can document and demonstrate to the*  
7     *Secretary of Commerce that it meets minimum*  
8     *standards of educational and financial account-*  
9     *ability, with a curriculum capable of training*  
10    *realtime writers qualified to provide captioning*  
11    *services;*

12            “(B) *is accredited by an accrediting agency*  
13    *recognized by the Department of Education; and*

14            “(C) *is participating in student aid pro-*  
15    *grams under title IV.*

16            “(3) *PRIORITY IN GRANTS.*—*In determining*  
17    *whether to make grants under this section, the Sec-*  
18    *retary of Commerce shall give a priority to eligible*  
19    *entities that, as determined by the Secretary—*

20            “(A) *possess the most substantial capability*  
21    *to increase their capacity to train realtime writ-*  
22    *ers;*

23            “(B) *demonstrate the most promising col-*  
24    *laboration with local educational institutions,*  
25    *businesses, labor organizations, or other commu-*

1            *nity groups having the potential to train or pro-*  
2            *vide job placement assistance to realtime writers;*  
3            *or*

4            *“(C) propose the most promising and inno-*  
5            *vative approaches for initiating or expanding*  
6            *training or job placement assistance efforts with*  
7            *respect to realtime writers.*

8            *“(4) DURATION OF GRANT.—A grant under this*  
9            *section shall be for a period of 2 years.*

10           *“(5) MAXIMUM AMOUNT OF GRANT.—The amount*  
11           *of a grant provided under subsection (a) to an entity*  
12           *eligible may not exceed \$1,500,000 for the 2-year pe-*  
13           *riod of the grant under paragraph (4).*

14           *“(b) APPLICATION.—*

15           *“(1) IN GENERAL.—To receive a grant under*  
16           *subsection (a), an eligible entity shall submit an ap-*  
17           *plication to the Secretary of Commerce at such time*  
18           *and in such manner as the secretary may require.*  
19           *The application shall contain the information set*  
20           *forth under paragraph (2).*

21           *“(2) INFORMATION.—Information in the applica-*  
22           *tion of an eligible entity under subsection (a) for a*  
23           *grant under subsection (a) shall include the following:*

24           *“(A) A description of the training and as-*  
25           *sistance to be funded using the grant amount,*



1           *including how such training and assistance will*  
2           *increase the number of realtime writers.*

3           “(B) *A description of performance measures*  
4           *to be utilized to evaluate the progress of individ-*  
5           *uals receiving such training and assistance in*  
6           *matters relating to enrollment, completion of*  
7           *training, and job placement and retention.*

8           “(C) *A description of the manner in which*  
9           *the eligible entity will ensure that recipients of*  
10          *scholarships, if any, funded by the grant will be*  
11          *employed and retained as realtime writers.*

12          “(D) *A description of the manner in which*  
13          *the eligible entity intends to continue providing*  
14          *the training and assistance to be funded by the*  
15          *grant after the end of the grant period, including*  
16          *any partnerships or arrangements established for*  
17          *that purpose.*

18          “(E) *A description of how the eligible entity*  
19          *will work with local workforce investment boards*  
20          *to ensure that training and assistance to be*  
21          *funded with the grant will further local work-*  
22          *force goals, including the creation of educational*  
23          *opportunities for individuals who are from eco-*  
24          *nomically disadvantaged backgrounds or are dis-*  
25          *placed workers.*

1           “(F) *Additional information, if any, of the*  
2           *eligibility of the eligible entity for priority in the*  
3           *making of grants under subsection (a)(3).*

4           “(G) *Such other information as the Sec-*  
5           *retary may require.*

6           “(c) *USE OF FUNDS.—*

7           “(1) *IN GENERAL.—An eligible entity receiving a*  
8           *grant under subsection (a) shall use the grant amount*  
9           *for purposes relating to the recruitment, training and*  
10          *assistance, and job placement of individuals, includ-*  
11          *ing individuals who have completed a court reporting*  
12          *training program, as realtime writers, including—*

13               “(A) *recruitment;*

14               “(B) *subject to paragraph (2), the provision*  
15               *of scholarships;*

16               “(C) *distance learning;*

17               “(D) *further developing and implementing*  
18               *both English and Spanish curriculum to more*  
19               *effectively train realtime writing skills, and edu-*  
20               *cation in the knowledge necessary for the deliv-*  
21               *ery of high-quality closed captioning services;*

22               “(E) *mentoring students to ensure successful*  
23               *completion of the realtime training and provide*  
24               *assistance in job placement;*

1           “(F) encouraging individuals with disabili-  
2           ties to pursue a career in realtime writing; and

3           “(G) the employment and payment of per-  
4           sonnel for all such purposes.

5           “(2) SCHOLARSHIPS.—

6           “(A) AMOUNT.—The amount of a scholar-  
7           ship under paragraph (1)(B) shall be based on  
8           the amount of need of the recipient of the schol-  
9           arship for financial assistance, as determined in  
10          accordance with part F of title IV.

11          “(B) AGREEMENT.—Each recipient of a  
12          scholarship under paragraph (1)(B) shall enter  
13          into an agreement with the school in which the  
14          recipient is enrolled to provide realtime writing  
15          services for the purposes described in subsection  
16          (a)(1) for a period of time appropriate (as deter-  
17          mined by the Secretary of Commerce or the Sec-  
18          retary’s designee) for the amount of the scholar-  
19          ship received.

20          “(C) COURSEWORK AND EMPLOYMENT.—  
21          The Secretary of Commerce or the Secretary’s  
22          designee shall establish requirements for  
23          coursework and employment for recipients of  
24          scholarships under paragraph (1)(B), including  
25          requirements for repayment of scholarship

1        *amounts in the event of failure to meet such re-*  
2        *quirements for coursework and employment. Re-*  
3        *quirements for repayment of scholarship*  
4        *amounts shall take into account the effect of eco-*  
5        *nomie conditions on the capacity of scholarship*  
6        *recipients to find work as realtime writers.*

7        “(3) *ADMINISTRATIVE COSTS.*—*The recipient of*  
8        *a grant under this section may not use more than 5*  
9        *percent of the grant amount to pay administrative*  
10       *costs associated with activities funded by the grant.*  
11       *The Secretary of Commerce shall use not more than*  
12       *5 percent of the amount available for grants under*  
13       *this part in any fiscal year for administrative costs*  
14       *of the program.*

15       “(4) *SUPPLEMENT NOT SUPPLANT.*—*Grants*  
16       *amounts under this part shall supplement and not*  
17       *supplant other Federal or non-Federal funds of the*  
18       *grant recipient for purposes of promoting the training*  
19       *and placement of individuals as realtime writers.*

20       “(d) *REPORTS.*—

21       “(1) *ANNUAL REPORTS.*—*Each eligible entity re-*  
22       *ceiving a grant under subsection (a) shall submit to*  
23       *the Secretary of Commerce, at the end of each year*  
24       *of the grant period, a report on the activities of such*

1        *entity with respect to the use of grant amounts dur-*  
2        *ing such year.*

3                *“(2) REPORT INFORMATION.—*

4                        *“(A) IN GENERAL.—Each report of an enti-*  
5                        *ty for a year under paragraph (1) shall include*  
6                        *a description of the use of grant amounts by the*  
7                        *entity during such year, including an assessment*  
8                        *by the entity of the effectiveness of activities car-*  
9                        *ried out using such funds in increasing the num-*  
10                       *ber of realtime writers. The assessment shall uti-*  
11                       *lize the performance measures submitted by the*  
12                       *entity in the application for the grant under*  
13                       *subsection (b)(2).*

14                       *“(B) FINAL REPORT.—The final report of*  
15                       *an entity on a grant under paragraph (1) shall*  
16                       *include a description of the best practices identi-*  
17                       *fied by the entity as a result of the grant for in-*  
18                       *creasing the number of individuals who are*  
19                       *trained, employed, and retained in employment*  
20                       *as realtime writers.*

21                       *“(3) ANNUAL REVIEW.—The Inspector General of*  
22                       *the Department of Commerce shall conduct an annual*  
23                       *review of the management, efficiency, and effectiveness*  
24                       *of the grants made under this part.*

**“PART N—CENTERS OF EXCELLENCE FOR  
VETERAN STUDENT SUCCESS**

**“SEC. 883. MODEL PROGRAMS FOR CENTERS OF EXCEL-  
LENCE FOR VETERAN STUDENT SUCCESS.**

*“(a) PURPOSE.—It is the purpose of this section to en-  
courage model programs to support veteran student success  
in postsecondary education by coordinating services to ad-  
dress the academic, financial, physical, and social needs of  
veteran students.*

*“(b) GRANTS AUTHORIZED.—*

*“(1) IN GENERAL.—Subject to the availability of  
appropriations under section 800, the Secretary shall  
award grants to institutions of higher education to  
develop model programs to support veteran student  
success in postsecondary education.*

*“(2) GRANT PERIOD.—A grant awarded under  
this section shall be awarded for a period of 3 years.*

*“(c) USE OF GRANTS.—*

*“(1) REQUIRED ACTIVITIES.—An institution of  
higher education receiving a grant under this section  
shall use such grant to carry out a model program  
that includes—*

*“(A) establishing of a Center of Excellence  
for Veteran Student Success on the campus of the  
institution to provide a single point of contact to*

1       *coordinate comprehensive support services for*  
2       *veteran students;*

3               “(B) *establishing a veteran students support*  
4       *team, including representatives from the offices*  
5       *of the institution responsible for admissions, reg-*  
6       *istration, financial aid, veterans benefits, aca-*  
7       *demic advising, student health, personal or men-*  
8       *tal health counseling, career advising, disabilities*  
9       *services, and any other office of the institution*  
10       *that provides support to veteran students on*  
11       *campus;*

12               “(C) *providing a full-time or part-time co-*  
13       *ordinator whose primary responsibility is to co-*  
14       *ordinate the model program carried out under*  
15       *this section;*

16               “(D) *monitoring the rates of veteran student*  
17       *enrollment, persistence, and completion; and*

18               “(E) *developing a plan to sustain the Cen-*  
19       *ter of Excellence for Veteran Student Success*  
20       *after the grant period.*

21               “(2) *OTHER AUTHORIZED ACTIVITIES.—An in-*  
22       *stitution of higher education receiving a grant under*  
23       *this section may use such grant to carry out any of*  
24       *the following activities with respect to veteran stu-*  
25       *dents:*

1           “(A) *Outreach and recruitment of such stu-*  
2           *dents.*

3           “(B) *Supportive instructional services for*  
4           *such students, which may include—*

5                   “(i) *personal, academic, and career*  
6                   *counseling, as an on-going part of the pro-*  
7                   *gram;*

8                   “(ii) *tutoring and academic skill-build-*  
9                   *ing instruction assistance, as needed; and*

10                   “(iii) *assistance with special admis-*  
11                   *sions and transfer of credit from previous*  
12                   *postsecondary education or experience.*

13           “(C) *Assistance in obtaining student finan-*  
14           *cial aid.*

15           “(D) *Housing support for students living in*  
16           *institutional facilities and commuting students.*

17           “(E) *Cultural events, academic programs,*  
18           *orientation programs, and other activities de-*  
19           *signed to ease the transition to campus life for*  
20           *such students.*

21           “(F) *Support for veteran student organiza-*  
22           *tions and veteran student support groups on*  
23           *campus.*



1           “(G) *Coordination of academic advising*  
2           *and admissions counseling with military bases*  
3           *and national guard units in the area.*

4           “(H) *Other support services the institution*  
5           *determines to be necessary to ensure the success*  
6           *of such students in achieving their educational*  
7           *and career goals.*

8           “(d) *APPLICATION; SELECTION.—*

9           “(1) *APPLICATION.—To be considered for a grant*  
10          *under this section, an institution of higher education*  
11          *shall submit to the Secretary an application at such*  
12          *time, in such manner, and accompanied by such in-*  
13          *formation as the Secretary may require.*

14          “(2) *SELECTION CONSIDERATIONS.—In award-*  
15          *ing grants under this section, the Secretary shall con-*  
16          *sider—*

17                 “(A) *the number of veteran students en-*  
18                 *rolled at an institution of higher education; and*

19                 “(B) *the need for model programs to address*  
20                 *the needs of veteran students at a wide range of*  
21                 *institutions of higher education, including the*  
22                 *need to provide—*

23                         “(i) *an equitable distribution of such*  
24                         *grants to institutions of higher education of*  
25                         *various types and sizes;*

1                   “(ii) an equitable geographic distribu-  
2                   tion of such grants; and

3                   “(iii) an equitable distribution of such  
4                   grants among rural and urban areas.

5           “(e) *EVALUATION AND ACCOUNTABILITY PLAN.*—The  
6 Secretary shall develop an evaluation and accountability  
7 plan for model programs funded under this section to objec-  
8 tively measure the impact of such programs, including a  
9 measure of whether postsecondary education enrollment,  
10 persistence, and completion for veterans increases as a re-  
11 sult of such programs.

12           **“PART O—UNIVERSITY SUSTAINABILITY**  
13                                   **PROGRAMS**

14           **“Subpart 1—Sustainability Planning Grants**

15           **“SEC. 884. GRANTS AUTHORIZED.**

16           “(a) *PROGRAM AUTHORIZED.*—

17                   “(1) *IN GENERAL.*—From the amounts appro-  
18 priated to carry out this part under section 800, the  
19 Secretary shall make grants to eligible entities to es-  
20 tablish sustainability programs to design and imple-  
21 ment sustainability practices, including in the areas  
22 of energy management, green building, waste manage-  
23 ment, purchasing, transportation, and toxics manage-  
24 ment, and other aspects of sustainability that inte-  
25 grate campus operations with multidisciplinary aca-

1        *demic programs and are applicable to the private and*  
2        *government sectors.*

3                “(2) *PERIOD OF GRANT.*—*The provision of pay-*  
4        *ments under a grant under paragraph (1) may ex-*  
5        *tend over a period of not more than 4 fiscal years.*

6                “(3) *DEFINITION OF ELIGIBLE ENTITIES.*—*For*  
7        *purposes of this part, the term ‘eligible entity’*  
8        *means—*

9                        “(A) *an institution of higher education that*  
10        *grants 2 or 4-year undergraduate degrees, or*  
11        *masters and doctoral degrees, or both; or*

12                       “(B) *a non-profit consortia, association, al-*  
13        *liance, or collaboration operating in partnership*  
14        *with one or more institutions of higher education*  
15        *that received funds for the implementation of*  
16        *work associated with sustainability programs*  
17        *under this part.*

18        “(b) *APPLICATIONS.*—

19                “(1) *IN GENERAL.*—*To receive a grant under*  
20        *subsection (a)(1), an eligible entity shall submit an*  
21        *application to the Secretary at such time, in such*  
22        *form, and containing such information as the Sec-*  
23        *retary may reasonably require.*

24                “(2) *ASSURANCES.*—*Such application shall in-*  
25        *clude assurances that the eligible entity—*

1           “(A) has developed or shall develop a plan,  
2           including an evaluation component, for the pro-  
3           gram component established pursuant to sub-  
4           section (c);

5           “(B) shall use Federal funds received from  
6           a grant under subsection (a) to supplement, not  
7           supplant, non-Federal funds that would other-  
8           wise be available for projects funded under such  
9           section;

10          “(C) shall provide, with respect to any fis-  
11          cal year in which such entity receives funds from  
12          a grant under subsection (a)(1), non-Federal  
13          funds or an in-kind contribution in an amount  
14          equal to 20 percent of funds from such grant, for  
15          the purpose of carrying out the program compo-  
16          nent established in subsection (c); and

17          “(D) shall collaborate with business, govern-  
18          ment, and the nonprofit sectors in the develop-  
19          ment and implementation of its sustainability  
20          plan.

21          “(c) *USE OF FUNDS.*—

22          “(1) *INDIVIDUAL INSTITUTIONS.*—Grants made  
23          under subsection (a) may be used by an eligible entity  
24          that is an individual institution of higher education  
25          for the following purposes:

1           “(A) To develop and implement administra-  
2           tive and operations practices at institutions of  
3           higher education that test, model, and analyze  
4           principles of sustainability.

5           “(B) To establish multidisciplinary edu-  
6           cation, research, and outreach programs at insti-  
7           tutions of higher education that address the envi-  
8           ronmental, social, and economic dimensions of  
9           sustainability.

10          “(C) To support research and teaching ini-  
11          tiatives that focus on multidisciplinary and inte-  
12          grated environmental, economic, and social ele-  
13          ments.

14          “(D) To establish initiatives in the areas of  
15          energy management, green building, waste man-  
16          agement, purchasing, toxics management, trans-  
17          portation, and other aspects of sustainability.

18          “(E) To support student, faculty, and staff  
19          work at institutions of higher education to im-  
20          plement, research, and evaluate sustainable prac-  
21          tices.

22          “(F) To establish sustainability literacy as  
23          a requirement for undergraduate and graduate  
24          degree programs.

1           “(G) *To integrate sustainability curriculum*  
2           *in all programs of instruction, particularly in*  
3           *business, architecture, technology, manufac-*  
4           *turing, engineering, and science programs.*

5           “(2) *PARTNERSHIPS.*—*Grants made under sub-*  
6           *section (a) may be used by an eligible entity that is*  
7           *a non-profit consortia, association, alliance, or col-*  
8           *laboration operating as a partnership with one or*  
9           *more institutions of higher education for the following*  
10          *purposes:*

11           “(A) *To conduct faculty, staff and adminis-*  
12           *trator training on the subjects of sustainability*  
13           *and institutional change.*

14           “(B) *To compile, evaluate, and disseminate*  
15           *best practices, case studies, guidelines and stand-*  
16           *ards.*

17           “(C) *To conduct efforts to engage external*  
18           *stakeholders such as business, alumni, and ac-*  
19           *crediting agencies in the process of building sup-*  
20           *port for research, education, and technology de-*  
21           *velopment for sustainability.*

22           “(D) *To conduct professional development*  
23           *programs for faculty in all disciplines to enable*  
24           *faculty to incorporate sustainability content in*  
25           *their courses.*

1           “(E) *To enable an appropriate non-profit*  
2           *consortia, association, alliance, or collaboration*  
3           *operating in partnership with an institution of*  
4           *higher education to create the analytical tools*  
5           *necessary for institutions of higher education to*  
6           *assess and measure their individual progress to-*  
7           *ward fully sustainable campus operations and*  
8           *fully integrating sustainability into the cur-*  
9           *riculum.*

10           “(F) *To develop educational benchmarks for*  
11           *institutions of higher education to determine the*  
12           *necessary rigor and effectiveness of academic sus-*  
13           *tainability programs.*

14           “(d) *REPORTS.—An eligible entity that receives a*  
15           *grant under subsection (a) shall submit to the Secretary,*  
16           *for each fiscal year in which the entity receives amounts*  
17           *from such grant, a report that describes the work conducted*  
18           *pursuant to subsection (c), research findings and publica-*  
19           *tions, administrative savings experienced, and an evalua-*  
20           *tion of the program.*

21           “(e) *ALLOCATION REQUIREMENT.—The Secretary may*  
22           *not make grants under subsection (a) to any eligible entity*  
23           *in a total amount that is less than \$250,000 or more than*  
24           *\$2,000,000.*

1                   **“Subpart 2—Summit on Sustainability**

2   **“SEC. 885. SUMMIT ON SUSTAINABILITY.**

3           *“Not later than September 30, 2008, the Secretary of*  
4 *Education shall convene a summit of higher education ex-*  
5 *perts working in the area of sustainable operations and pro-*  
6 *grams, representatives from agencies of the Federal Govern-*  
7 *ment, and business and industry leaders to focus on efforts*  
8 *of national distinction that—*

9                   *“(1) encourage faculty, staff, and students at in-*  
10 *stitutions of higher education to establish administra-*  
11 *tive and academic sustainability programs on cam-*  
12 *pus;*

13                   *“(2) enhance research by faculty and students at*  
14 *institutions of higher education in sustainability*  
15 *practices and innovations that assist and improve*  
16 *sustainability;*

17                   *“(3) encourage institutions of higher education*  
18 *to work with community partners from the business,*  
19 *government, and nonprofit sectors to design and im-*  
20 *plement sustainability programs for application in*  
21 *the community and workplace;*

22                   *“(4) identify opportunities for partnerships in-*  
23 *volving institutions of higher education and the Fed-*  
24 *eral Government to expand sustainable operations*  
25 *and academic programs focused on environmental*  
26 *and economic sustainability; and*



1           “(5) charge the summit participants or steering  
 2           committee to submit a set of recommendations for ad-  
 3           dressing sustainability through institutions of higher  
 4           education.

5           **“PART P—MODELING AND SIMULATION**  
 6                               **PROGRAMS**

7           **“SEC. 886. MODELING AND SIMULATION.**

8           “(a) *PURPOSE; DEFINITION.*—

9                       “(1) *PURPOSE.*—*The purpose of this section is to*  
 10           *promote the study of modeling and simulation at in-*  
 11           *stitutions of higher education, through the collabora-*  
 12           *tion with new and existing programs, and specifically*  
 13           *to promote the use of technology in such study*  
 14           *through the creation of accurate models that can sim-*  
 15           *ulate processes or recreate real life, by—*

16                       “(A) *establishing a task force at the Depart-*  
 17           *ment of Education to raise awareness of and de-*  
 18           *fine the study of modeling and simulation;*

19                       “(B) *providing grants to institutions of*  
 20           *higher education to develop new modeling and*  
 21           *simulation degree programs; and*

22                       “(C) *providing grants for institutions of*  
 23           *higher education to enhance existing modeling*  
 24           *and simulation degree programs.*

1           “(2) *DEFINITION.*—*In this section, the term*  
2           *‘modeling and simulation’ means a field of study re-*  
3           *lated to the application of computer science and*  
4           *mathematics to develop a level of understanding of the*  
5           *interaction of the parts of a system and of a system*  
6           *as a whole.*

7           “(b) *ESTABLISHMENT OF TASK FORCE.*—

8           “(1) *IN GENERAL.*—*Subject to the availability of*  
9           *appropriations, the Secretary shall establish a*  
10           *taskforce within the Department of Education to*  
11           *study modeling and simulation and to support the de-*  
12           *velopment of the modeling and simulation field. The*  
13           *activities of such taskforce shall include—*

14                   “(A) *helping to define the study of modeling*  
15                   *and simulation (including the content of mod-*  
16                   *eling and simulation classes and programs);*

17                   “(B) *identifying best practices for such*  
18                   *study;*

19                   “(C) *identifying core knowledge and skills*  
20                   *that individuals who participate in modeling*  
21                   *and simulation programs should acquire; and*

22                   “(D) *providing recommendations to the Sec-*  
23                   *retary with respect to—*

24                           “(i) *the information described in sub-*  
25                           *paragraphs (A) through (C); and*

1                   “(ii) a system by which grants under  
2                   this section will be distributed.

3                   “(2) *TASKFORCE MEMBERSHIP.*—The member-  
4                   ship of the taskforce under this subsection shall be  
5                   composed of representatives from—

6                   “(A) institutions of higher education with  
7                   established modeling and simulation degree pro-  
8                   grams;

9                   “(B) the National Science Foundation;

10                  “(C) Federal Government agencies that use  
11                  modeling and simulation extensively, including  
12                  the Department of Defense, the National Insti-  
13                  tute of Health, the Department of Homeland Se-  
14                  curity, the Department of Health and Human  
15                  Services, the Department of Energy, and the De-  
16                  partment of Transportation;

17                  “(D) private industries with a primary  
18                  focus on modeling and simulation; and

19                  “(E) national modeling and simulation or-  
20                  ganizations.

21                  “(c) *ENHANCING MODELING AND SIMULATION AT IN-*  
22                  *STITUTIONS OF HIGHER EDUCATION.*—

23                  “(1) *ENHANCEMENT GRANTS AUTHORIZED.*—

24                  “(A) *IN GENERAL.*—The Secretary is au-  
25                  thorized to award grants, on a competitive basis,

1        *to eligible institutions to enhance modeling and*  
2        *simulation degree programs at such eligible in-*  
3        *stitutions.*

4                “(B) *DURATION OF GRANT.*—A grant  
5        *awarded under this subsection shall be awarded*  
6        *for a 3-year period, and such grant period may*  
7        *be extended for not more than 2 years if the Sec-*  
8        *retary determines that an eligible institution has*  
9        *demonstrated success in enhancing the modeling*  
10       *and simulation degree program at such eligible*  
11       *institution.*

12               “(C) *MINIMUM GRANT AMOUNT.*—Subject to  
13       *the availability of appropriations, a grant*  
14       *awarded to an eligible institution under this*  
15       *subsection shall not be less than \$750,000.*

16               “(D) *NON-FEDERAL SHARE.*—Each eligible  
17       *institution receiving a grant under this sub-*  
18       *section shall provide, from non-Federal sources,*  
19       *in cash or in kind, an amount equal to 25 per-*  
20       *cent of the amount of the grant to carry out the*  
21       *activities supported by the grant. The Secretary*  
22       *may waive the non-Federal share requirement*  
23       *under this subparagraph for an eligible institu-*  
24       *tion if the Secretary determines a waiver to be*

1           *appropriate based on the financial ability of the*  
2           *institution.*

3           “(2) *ELIGIBLE INSTITUTIONS.*—*For the purposes*  
4           *of this subsection, an eligible institution is an institu-*  
5           *tion of higher education that—*

6                   “(A) *has an established modeling and sim-*  
7                   *ulation degree program, including a major,*  
8                   *minor, or career-track program; or*

9                   “(B) *has an established modeling and sim-*  
10                  *ulation certificate or concentration program.*

11           “(3) *APPLICATION.*—*To be considered for a grant*  
12           *under this subsection, an eligible institution shall sub-*  
13           *mit to the Secretary an application at such time, in*  
14           *such manner, and containing such information as the*  
15           *Secretary may require. Such application shall in-*  
16           *clude—*

17                   “(A) *a letter from the president or provost*  
18                   *of the eligible institution that demonstrates the*  
19                   *institution’s commitment to the enhancement of*  
20                   *the modeling and simulation program at the in-*  
21                   *stitution of higher education;*

22                   “(B) *an identification of designated faculty*  
23                   *responsible for the enhancement of the institu-*  
24                   *tion’s modeling and simulation program; and*

1           “(C) a detailed plan for how the grant  
2           funds will be used to enhance the modeling and  
3           simulation program of the institution.

4           “(4) *USES OF FUNDS.*—A grant awarded under  
5           this subsection shall be used by an eligible institution  
6           to carry out the plan developed in accordance with  
7           paragraph (3)(C) to enhance modeling and simula-  
8           tion programs at the institution, which may in-  
9           clude—

10           “(A) in the case of an institution that is eli-  
11           gible under paragraph (2)(B), activities to assist  
12           in the establishment of a major, minor, or ca-  
13           reer-track modeling and simulation program at  
14           the eligible institution;

15           “(B) expanding the multi-disciplinary na-  
16           ture of the institution’s modeling and simulation  
17           programs;

18           “(C) recruiting students into the field of  
19           modeling and simulation through the provision  
20           of fellowships or assistantships;

21           “(D) creating new courses to compliment  
22           existing courses and reflect emerging develop-  
23           ments in the modeling and simulation field;

1           “(E) conducting research to support new  
2           methodologies and techniques in modeling and  
3           simulation; and

4           “(F) purchasing equipment necessary for  
5           modeling and simulation programs.

6           “(d) *ESTABLISHING MODELING AND SIMULATION PRO-*  
7           *GRAMS.—*

8           “(1) *ESTABLISHMENT GRANTS AUTHORIZED.—*

9           “(A) *IN GENERAL.—The Secretary is au-*  
10          *thorized to award grants to institutions of higher*  
11          *education to establish a modeling and simulation*  
12          *program, including a major, minor, career-track,*  
13          *certificate, or concentration program.*

14          “(B) *DURATION OF GRANT.—A grant*  
15          *awarded under this subsection shall be awarded*  
16          *for a 3-year period, and such grant period may*  
17          *be extended for not more than 2 years if the Sec-*  
18          *retary determines that an eligible institution has*  
19          *demonstrated success in establishing a modeling*  
20          *and simulation degree program at such eligible*  
21          *institution.*

22          “(C) *MINIMUM GRANT AMOUNT.—Subject to*  
23          *the availability of appropriations, a grant*  
24          *awarded to an eligible institution under this*  
25          *subsection shall not be less than \$750,000.*

1           “(D) *NON-FEDERAL SHARE*.—Each eligible  
2           institution receiving a grant under this sub-  
3           section shall provide, from non-Federal sources,  
4           in cash or in kind, an amount equal to 25 per-  
5           cent of the amount of the grant to carry out the  
6           activities supported by the grant. The Secretary  
7           may waive the non-Federal share requirement  
8           under this subparagraph for an eligible institu-  
9           tion if the Secretary determines a waiver to be  
10          appropriate based on the financial ability of the  
11          institution.

12          “(2) *APPLICATION*.—To apply for a grant under  
13          this subsection, an eligible institution shall submit to  
14          the Secretary an application at such time, in such  
15          manner, and containing such information as the Sec-  
16          retary may require. Such application shall include—

17               “(A) a letter from the president or provost  
18               of the eligible institution that demonstrates the  
19               institution’s commitment to the establishment of  
20               a modeling and simulation program at the insti-  
21               tution of higher education;

22               “(B) a detailed plan for how the grant  
23               funds will be used to establish a modeling and  
24               simulation program at the institution; and



1           “(C) a description of how the modeling and  
2           simulation program established under this sub-  
3           section will complement existing programs and  
4           fit in to the institution’s current program and  
5           course offerings.

6           “(3) *USES OF FUNDS.*—A grant awarded under  
7           this subsection may be used by an eligible institution  
8           to—

9           “(A) establish, or work toward the establish-  
10          ment of, a modeling and simulation program,  
11          including a major, minor, career-track, certifi-  
12          cate, or concentration program at the eligible in-  
13          stitution;

14          “(B) provide adequate staffing to ensure the  
15          successful establishment of the modeling and sim-  
16          ulation program, which may include the assign-  
17          ment of full-time dedicated or supportive faculty;  
18          and

19          “(C) purchasing equipment necessary for a  
20          modeling and simulation program.

21          “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
22          authorized to be appropriated to carry out this section  
23          \$40,000,000 for fiscal year 2009 and such sums as may be  
24          necessary for each of the 4 succeeding fiscal years. Of the

1 *amounts authorized to be appropriated for each fiscal*  
 2 *year—*

3           “(1) \$1,000,000 is authorized to carry out the  
 4           *activities of the task force established pursuant to sub-*  
 5           *section (b); and*

6           “(2) of the amount remaining after the alloca-  
 7           *tion for paragraph (1)—*

8           “(A) 50 percent is authorized to carry out  
 9           *the grant program under subsection (c); and*

10           “(B) 50 percent is authorized to carry out  
 11           *the grant program under subsection (d).*

12           **“PART Q—BUSINESS WORKFORCE**

13                   **PARTNERSHIPS**

14           **“SEC. 887. GRANTS TO CREATE BUSINESS WORKFORCE**

15                   **PARTNERSHIPS.**

16           “(a) *PURPOSE AND AUTHORIZATION.—*

17           “(1) *PURPOSE.—The purpose of this section is to*  
 18           *provide grants to institutions of higher education*  
 19           *partnering with employers to strengthen ties between*  
 20           *college degree credit offerings and business and indus-*  
 21           *try workforce needs, and expand opportunities for*  
 22           *worksite learning.*

23           “(2) *AUTHORIZATION OF PROGRAM.—The Sec-*  
 24           *retary shall award grants, on a competitive basis, to*

1       *eligible partnerships for the purposes of creating busi-*  
2       *ness and industry workforce partnerships.*

3       “(b) *DEFINITION OF BUSINESS AND INDUSTRY WORK-*  
4       *FORCE PARTNERSHIP.*—

5               “(1) *IN GENERAL.*—*For purposes of this section,*  
6       *the term ‘business and industry workforce partner-*  
7       *ship’ means a partnership between an institution of*  
8       *higher education and—*

9               “(A) *an employer or group of employers, or*  
10       *a local board (as such term is defined in section*  
11       *101 of the Workforce Investment Act of 1998), or*  
12       *both; and*

13               “(B) *labor organizations, where applicable,*  
14       *that represent workers locally in the businesses*  
15       *or industries that are the focus of the partner-*  
16       *ship, including as a result of such organization’s*  
17       *representation of employees at a worksite at*  
18       *which the partnership proposes to conduct activi-*  
19       *ties under this section.*

20               “(2) *EXCEPTION.*—*In the case of a State that*  
21       *does not operate local boards, paragraph (1)(A) shall*  
22       *be applied by substituting ‘State board’ for ‘local*  
23       *board’.*

24       “(c) *APPLICATION.*—*A business and industry work-*  
25       *force partnership seeking a grant under this section shall*

1 *submit an application to the Secretary at such time, in*  
2 *such manner, and containing such information as the Sec-*  
3 *retary may require.*

4       “(d) *PRIORITY FOR APPLICATIONS FOCUSED ON SERV-*  
5 *ING NONTRADITIONAL STUDENTS.—The Secretary shall*  
6 *give priority to applications focused on serving nontradi-*  
7 *tional students who are independent, as defined in section*  
8 *480(d), do not already have a bachelor’s degree, and who*  
9 *have one or more of the following characteristics:*

10               “(1) *Are the first generation in their family to*  
11 *attend college.*

12               “(2) *Have delayed enrollment in college.*

13               “(3) *Have dependents.*

14       “(e) *PEER REVIEW.—The Secretary shall convene a*  
15 *peer review process, which shall include individuals knowl-*  
16 *edgeable about workforce education for working adults, to*  
17 *review applications for grants under this section, and make*  
18 *recommendations to the Secretary on the selection of grant*  
19 *recipients.*

20       “(f) *MANDATORY ACTIVITIES.—A partnership that re-*  
21 *ceives a grant under this section shall use the grant funds*  
22 *to carry out all of the following activities:*

23               “(1) *Identify high demand occupations in the re-*  
24 *gional labor market which offer or can lead to high*

1       wages, in coordination with the State employment se-  
2       curity agency funded under the Wagner-Peyser Act.

3               “(2) *Develop linked career and educational path-*  
4       *ways for those occupations and related ones, includ-*  
5       *ing, where appropriate, pathways involving registered*  
6       *apprenticeships.*

7               “(3) *Consult with employers offering jobs in oc-*  
8       *cupations identified under paragraph (1) to deter-*  
9       *mine workforce development needs.*

10              “(4) *Consult with labor organizations rep-*  
11       *resenting workers locally in the occupations identified*  
12       *in paragraph (1), where applicable.*

13              “(5) *Identify existing college degree credit offer-*  
14       *ings or create new degree credit offerings that prepare*  
15       *students to meet business and industry workforce*  
16       *needs, including offerings connected to registered ap-*  
17       *prenticeship programs.*

18              “(g) *PERMISSIBLE ACTIVITIES.—A partnership that*  
19       *receives a grant under this section may use the grant funds*  
20       *to carry out one or more of the following activities:*

21              “(1) *In consultation with faculty in the appro-*  
22       *priate departments, adapt college offerings identified*  
23       *and created under subsection (f)(5) to the schedules*  
24       *and needs of working students, such as by creating*  
25       *evening, weekend, modular, compressed, or distance*

1        *learning formats, enrolling students in learning com-*  
2        *munities, or other relevant innovations.*

3            *“(2) Create bridge programs that prepare stu-*  
4        *dents with lower skills or limited English proficiency*  
5        *to enter the college offerings identified or created*  
6        *under subsection (f)(5).*

7            *“(3) Expand worksite learning opportunities.*

8            *“(4) Other activities that the institution and the*  
9        *Secretary deem appropriate to carry out the purposes*  
10       *of this program.*

11        *“(h) GRANT PERIOD.—Grants made under this section*  
12       *shall be for a period of at least 36 months and not more*  
13       *than 60 months.*

14        *“(i) TECHNICAL ASSISTANCE.—The Secretary shall*  
15       *provide technical assistance to grantees under this section*  
16       *throughout the grant period.*

17        *“(j) EVALUATION.—The Secretary shall conduct an*  
18       *evaluation of the effectiveness of the program under this sec-*  
19       *tion and disseminate the findings of such evaluation, as*  
20       *well as information on promising practices developed under*  
21       *this section.*

22        *“(k) REPORT TO CONGRESS.—Not less than 36 months*  
23       *after the first grant is awarded under this section, the Sec-*  
24       *retary, jointly with the Secretary of Labor, shall report to*  
25       *Congress on:*

1           “(1) *Changes to the Higher Education Act and*  
 2           *related Acts, such as the Perkins Vocational and*  
 3           *Technical Education Act and the Workforce Invest-*  
 4           *ment Act (both Title I and Title II), that would help*  
 5           *create and sustain business and industry workforce*  
 6           *partnerships at colleges.*

7           “(2) *Other changes to the Higher Education Act*  
 8           *and related Acts, such as the Perkins Vocational and*  
 9           *Technical Education Act and the Workforce Invest-*  
 10          *ment Act, that would more generally strengthen the*  
 11          *links between business and industry workforce needs,*  
 12          *workforce development programs, and other college de-*  
 13          *gree credit offerings.”.*

14 **SEC. 802. SENSE OF THE CONGRESS; REPORT.**

15          (a) *SENSE OF CONGRESS.—It is the sense of the Con-*  
 16          *gress that—*

17               (1) *in order to provide the borrowers of Federal*  
 18               *student loans with the option of converting their loans*  
 19               *to income contingent repayment by providing direct*  
 20               *loans for the discharge of such loans (in this section*  
 21               *referred to as “direct IDEA loans”), the Secretary of*  
 22               *Education and the Secretary of the Treasury will*  
 23               *work together to develop a process by which the bor-*  
 24               *rower will make payments on such loan using the in-*  
 25               *come tax withholding system and will make appro-*

1        *priate adjustments to his or her withholding or esti-*  
2        *mated tax payments for such purposes;*

3            *(2) the Secretaries should determine—*

4                    *(A) whether such a repayment option would*  
5                    *be beneficial to borrowers and taxpayers; and*

6                    *(B) how such program would be imple-*  
7                    *mented by the Departments of Education and*  
8                    *Treasury; and*

9            *(3) this process would—*

10                    *(A) streamline the repayment process and*  
11                    *provide greater flexibility for borrowers electing*  
12                    *to use the direct IDEA loan;*

13                    *(B) significantly reduce the number of loan*  
14                    *defaults by borrowers; and*

15                    *(C) significantly reduce the redundancy in*  
16                    *reporting information pertaining to income con-*  
17                    *tingent repayment to the Department of Edu-*  
18                    *cation, institutions, and applicants.*

19        *(b) REPORT.—The Secretaries of Education and the*  
20        *Treasury shall, within one year after the date of enactment*  
21        *of this Act—*

22                    *(1) provide the Congress with information on the*  
23                    *progress in devising the direct IDEA loan with in-*  
24                    *come contingent repayment using the income tax*  
25                    *withholding system;*



1           (2) *inform the Congress of any necessary statu-*  
 2           *tory changes for the purpose of establishing a direct*  
 3           *IDEA loan with income contingent repayment using*  
 4           *the income tax withholding system; and*

5           (3) *consider international programs dem-*  
 6           *onstrating implementation of income contingent re-*  
 7           *payment collected through revenue services, such as*  
 8           *programs in England, Australia, and New Zealand.*

9   **SEC. 803. INDEPENDENT EVALUATION OF DISTANCE EDU-**  
 10           **CATION PROGRAMS.**

11       (a) *INDEPENDENT EVALUATION.*—*The Secretary of*  
 12       *Education shall enter into an agreement with the National*  
 13       *Academy of Sciences to conduct a scientifically correct and*  
 14       *statistically valid evaluation of the quality of distance edu-*  
 15       *cation programs, as compared to campus-based education*  
 16       *programs, at institutions of higher education. Such evalua-*  
 17       *tion shall include—*

18           (1) *identification of the elements by which the*  
 19           *quality of distance education, as compared to cam-*  
 20           *pus-based education, can be assessed, including ele-*  
 21           *ments such as subject matter, interactivity, and stu-*  
 22           *dent outcomes;*

23           (2) *identification of distance and campus-based*  
 24           *education program success, with respect to student*

1        *achievement, in relation to the mission of the institu-*  
2        *tion of higher education; and*

3            *(3) identification of the types of students (in-*  
4        *cluding classification of types of students based on*  
5        *student age) who most benefit from distance education*  
6        *programs, the types of students who most benefit from*  
7        *campus-based education programs, and the types of*  
8        *students who do not benefit from distance education*  
9        *programs, by assessing elements including access to*  
10       *higher education, job placement rates, undergraduate*  
11       *graduation rates, and graduate and professional de-*  
12       *gree attainment rates.*

13       *(b) SCOPE.—The National Academy of Sciences shall*  
14       *select for participation in the evaluation under subsection*  
15       *(a) a diverse group of institutions of higher education with*  
16       *respect to size, mission, and geographic distribution.*

17       *(c) INTERIM AND FINAL REPORTS.—The agreement*  
18       *under subsection (a) shall require that the National Acad-*  
19       *emy of Sciences submit to the authorizing committees (as*  
20       *such term is defined in section 103 of the Higher Education*  
21       *Act of 1965 (20 U.S.C. 1003)—*

22            *(1) an interim report regarding the evaluation*  
23        *under subsection (a) not later than December 31,*  
24        *2008; and*

1           (2) *a final report regarding such evaluation not*  
2       *later than December 31, 2010.*

3   **SEC. 804. ENCOURAGING COLLEGES AND UNIVERSITIES TO**  
4           **“GO GREEN”.**

5       (a) *FINDINGS.—The Committee on Education and*  
6   *Labor of the House of Representatives makes the following*  
7   *findings:*

8           (1) *A commitment to and academic programs for*  
9       *environmental and economic sustainability are essen-*  
10      *tial for our Nation’s future prosperity.*

11          (2) *The more than 4,200 higher education insti-*  
12      *tutions in the United States have the capacity to in-*  
13      *novatively leverage spending and change consumption*  
14      *patterns by incorporating concepts of sustainability*  
15      *into their academic programs and by modeling sus-*  
16      *tainable economic and environmental practices for*  
17      *their communities.*

18          (3) *Many colleges and universities have inter-*  
19      *disciplinary programs or centers focusing on equip-*  
20      *ping students with the academic content knowledge*  
21      *needed to understand concepts of sustainability and*  
22      *“going green”.*

23          (4) *Many colleges and universities have pro-*  
24      *grams related to the research of sustainability and*  
25      *sustainable systems.*

1           (5) *Academic programs related to sustainability*  
2           *vary in rigor because no national education content*  
3           *standards for academic sustainability programs cur-*  
4           *rently exist.*

5           (6) *Colleges and universities may partner with*  
6           *businesses to encourage students and faculty to trans-*  
7           *late academic learning and research into practical so-*  
8           *lutions that promote sustainability.*

9           (7) *Colleges and universities that make an effort*  
10          *to reduce energy consumption and promote environ-*  
11          *mental sustainability not only reduce their own emis-*  
12          *sions, but also motivate the leaders of the next genera-*  
13          *tion to action and create technical skills and resources*  
14          *to develop innovative solutions.*

15          (8) *Many colleges and universities have under-*  
16          *taken detailed, campus-wide assessments of their*  
17          *progress toward “going green” and sustainability or*  
18          *have measured their progress in specific sectors, such*  
19          *as operations, or specific parameters, such as recy-*  
20          *cling, energy, and water consumption.*

21          (9) *No system that evaluates and compares col-*  
22          *lege and university campuses in terms of overall sus-*  
23          *tainability-related academic programs and practices*  
24          *currently exists.*

1       (b) *SENSE OF THE COMMITTEE ON EDUCATION AND*  
2 *LABOR.—It is the sense of the Committee on Education and*  
3 *Labor that in order to encourage increased public aware-*  
4 *ness of the need to “go green” by using sustainable economic*  
5 *and environmental practices and rigorous sustainability*  
6 *academic programs on college and university campuses, the*  
7 *following should be encouraged:*

8               (1) *The development of educational standards by*  
9       *institutions of higher education to determine the nec-*  
10       *essary rigor and effectiveness of academic sustain-*  
11       *ability programs.*

12              (2) *Public awareness of the need for “going*  
13       *green” by using sustainable economic and environ-*  
14       *mental practices.*

15              (3) *Non-governmental efforts to improve eco-*  
16       *nomic and environmental sustainability efforts on*  
17       *college and university campuses, including holding*  
18       *national summits to share best practices.*

19              (4) *Collaborative partnerships between Federal*  
20       *agencies, businesses, universities and communities to*  
21       *broaden sustainability practices.*

22 **SEC. 805. STUDY OF COSTS OF ENVIRONMENTAL, HEALTH,**  
23 **AND SAFETY STANDARDS.**

24       (a) *STUDY.—The Secretary of Education shall com-*  
25 *mission the National Research Council to conduct a na-*

1 tional study to determine the viability of developing and  
2 implementing standards in environmental, health, and safe-  
3 ty areas to provide for differential regulation of industrial  
4 laboratories and facilities, on the one hand, and research  
5 and teaching laboratories on the other. The National Re-  
6 search Council shall make specific recommendations for  
7 statutory and regulatory changes that are needed to develop  
8 such a differential approach.

9 (b) *REPORT.*—The Secretary of Education shall sub-  
10 mit the list of those regulations that impose the greatest  
11 compliance costs on institutions of higher education and  
12 make recommendations for statutory changes to ease the  
13 compliance burden to the authorizing committees (as such  
14 term is defined in section 103 of the Higher Education Act  
15 of 1965 (20 U.S.C. 1003).

16 **SEC. 806. STUDY OF MINORITY MALE ACADEMIC ACHIEVE-**  
17 **MENT.**

18 (a) *STUDY REQUIRED.*—The Secretary of Education  
19 shall—

20 (1) commission and ensure the conduct of a na-  
21 tional study of underrepresented minority males, par-  
22 ticularly African American and Hispanic American  
23 males, completing high school, and entering and grad-  
24 uating from colleges and universities in accordance  
25 with the following:

1           (A) the data comprising the study shall  
2           focus primarily on African American and His-  
3           panic American males and will utilize existing  
4           data sources;

5           (B) the study shall focus on high school  
6           completion and preparation for college, success  
7           on the SAT and ACT, and minority male access  
8           to college, including the financing of college, and  
9           college persistence and graduation; and

10          (C) the implementation of the study shall be  
11          in four stages based on the recommendations of  
12          the Commissioner of Education Statistics; and

13          (2) make specific recommendations to the Con-  
14          gress and State superintendents of education on new  
15          approaches to increase—

16               (A) the number of minority males success-  
17               fully preparing themselves for college study;

18               (B) the number of minority males grad-  
19               uating from high school and entering college; and

20               (C) the number of minority males grad-  
21               uating from college and entering careers in  
22               which they are underrepresented.

23          (b) *SUBMISSION OF THE REPORT.*—Not later than 4  
24          years after the date of enactment of this section, the Sec-  
25          retary shall submit a report on the study required by sub-

1 *section (a)(1), together with the recommendations required*  
2 *by subsection (a)(2), to the authorizing committees (as such*  
3 *term is defined in section 103 of the Higher Education Act*  
4 *of 1965 (20 U.S.C. 1003)).*

5 **SEC. 807. STUDY ON BIAS IN STANDARDIZED TESTS.**

6 *(a) STUDY.—The Comptroller General shall conduct a*  
7 *study to identify any race, ethnicity, and gender biases*  
8 *present in the design of standardized tests that are used*  
9 *for admission to institutions of higher education.*

10 *(b) DATA AVAILABLE TO THE PUBLIC.—Any data col-*  
11 *lected and used for the study under subsection (a) shall be*  
12 *made publicly available, except that such data shall not be*  
13 *made available in any manner that reveals personally iden-*  
14 *tifiable information relating to any individual.*

15 *(c) REPORT.—Not later than one year after date of the*  
16 *enactment of this Act, the Comptroller General shall issue*  
17 *an interim report to the authorizing committees (as defined*  
18 *in section 103 of the Higher Education Act of 1965 (20*  
19 *U.S.C. 1003)) related to the progress of the study under sub-*  
20 *section (a).*

21 **SEC. 808. FEASIBILITY STUDY ON STUDENT LOANS.**

22 *(a) STUDY REQUIRED.—The Congressional Budget Of-*  
23 *fice shall conduct a study on the feasibility of allowing bor-*  
24 *rowers in repayment of student loans made under the High-*  
25 *er Education Act of 1965 the option of selecting or renegoti-*



1 *ating a fixed or variable interest rate on their loans and*  
 2 *the repayment period of such loans. The study shall evalu-*  
 3 *ate various scenarios and options and take into consider-*  
 4 *ation the costs to the government, lenders and borrowers of*  
 5 *allowing such an option as well as the impact on service*  
 6 *quality.*

7       **(b) REPORT.**—*The Congressional Budget Office shall*  
 8 *submit a report on the study required by this section to*  
 9 *the authorizing committees (as defined in section 103 of the*  
 10 *Higher Education Act of 1965 (20 U.S.C. 1003)) not later*  
 11 *than one year after the date of the enactment of this Act.*

12 **SEC. 809. ENDOWMENT REPORT.**

13       **(a) ANALYSIS OF ENDOWMENTS.**—*The Secretary of*  
 14 *Education shall conduct a study on the amounts, uses, and*  
 15 *public purposes of the endowments of institutions of higher*  
 16 *education. The study shall include information*  
 17 *(disaggregated by types of institution) describing—*

18               **(1) the average and range of—**

19                       **(A) the outstanding balance of such endow-**  
 20                       *ments;*

21                       **(B) the growth of such endowments over the**  
 22                       *last 10 years; and*

23                       **(C) the percentage of spending on an an-**  
 24                       *nual basis and, to the extent practicable, the uses*  
 25                       *of such endowments by the institutions; and*

1           (2) *the extent to which the funds in such endow-*  
 2           *ments are restricted, and the restrictions placed upon*  
 3           *such funds.*

4           (b) *SUBMISSION OF REPORT.—The Secretary shall*  
 5           *submit the report required by subsection (a) to the author-*  
 6           *izing committees (as such term is defined in section 103*  
 7           *of the Higher Education Act of 1965 (20 U.S.C. 1003)) not*  
 8           *later than one year after the date of enactment of this Act.*

9           **SEC. 810. STUDY OF CORRECTIONAL POSTSECONDARY EDU-**  
 10           **CATION.**

11           (a) *STUDY REQUIRED.—The Secretary of Education*  
 12           *shall—*

13                   (1) *conduct a longitudinal study to assess the ef-*  
 14                   *fects of correctional postsecondary education that—*

15                           (A) *employs rigorous empirical methods*  
 16                           *that control for self-selection bias;*

17                           (B) *measures a range of outcomes, includ-*  
 18                           *ing those related to employment and earnings,*  
 19                           *recidivism, engaged citizenship, impact on fami-*  
 20                           *lies of the incarcerated, and impact on the cul-*  
 21                           *ture of the correctional institution;*

22                           (C) *examines different delivery systems of*  
 23                           *postsecondary education, such as on-site and dis-*  
 24                           *tance learning; and*

1           (D) includes a projected cost-benefit anal-  
2           ysis of the Federal investment in terms of reduc-  
3           tion of future offending, reduction of future pris-  
4           on costs (construction and operational), in-  
5           creased tax payments by formerly incarcerated  
6           individuals, a reduction of welfare and other so-  
7           cial service costs for successful formerly incarcer-  
8           ated individuals, and increased costs from the  
9           employment of formerly incarcerated individ-  
10          uals; and

11          (2) make specific recommendations to the Con-  
12          gress and the relevant State agencies responsible for  
13          correctional education, such as the State superintend-  
14          ents of education and State secretaries of corrections,  
15          on best approaches to increase correctional education  
16          and its effectiveness.

17          (b) SUBMISSION OF REPORTS.—Not later than 3 years  
18          after the date of enactment of this Act, the Secretary shall  
19          submit an interim report on the progress of the study re-  
20          quired by subsection (a)(1) to the authorizing committees  
21          (as defined in section 103 of the Higher Education Act of  
22          1965 (20 U.S.C. 1003)). Not later than 7 years after the  
23          date of enactment of this Act, the Secretary shall submit  
24          a final report, together with the recommendations required  
25          by subsection (a)(3), to the authorizing committees.

1 **SEC. 811. NATIONAL UNDERGRADUATE FELLOWS PROGRAM.**

2       (a) *PROGRAM AUTHORIZED.*—*The Secretary is au-*  
3 *thorized to provide grants, on a competitive basis, to insti-*  
4 *tutions of higher education (as defined in section 102) to*  
5 *support a National Undergraduate Fellows program.*

6       (b) *PURPOSE OF GRANTS.*—*Grants under this section*  
7 *shall be provided to enable administrators (including stu-*  
8 *dent affairs administrators)—*

9               (1) *to improve postsecondary degree completion*  
10 *rates of current underrepresented students through*  
11 *mentoring, a leadership institute, an internship, and*  
12 *funding to attend regional and national higher edu-*  
13 *cation administration conferences;*

14               (2) *to increase the retention and success rates of*  
15 *not only current students, but future generations of*  
16 *underrepresented college students, by encouraging*  
17 *them to pursue a career in higher education or stu-*  
18 *dent affairs; and*

19               (3) *to increase the quality and number of under-*  
20 *represented higher education and student affairs ad-*  
21 *ministrators able to provide much needed student*  
22 *support services to students.*

23       (c) *USES OF FUNDS.*—*Grantees under this section*  
24 *may use the funds to provide—*

1           (1) *staffing support for the program, which may*  
2           *include a higher education administrator as a men-*  
3           *tor;*

4           (2) *summer internship opportunities focusing on*  
5           *higher education administration, at an institution*  
6           *other than their own;*

7           (3) *a summer leadership institute participation*  
8           *opportunity for self reflection, leadership skill build-*  
9           *ing, graduate school preparation, and career develop-*  
10          *ment; and*

11          (4) *as needed, support to attend regional and na-*  
12          *tional higher education conferences for additional*  
13          *leadership and professional development.*

14          (d) *ON-GOING SUPPORT FOR THE FELLOWS PRO-*  
15          *GRAM.—From the funds appropriated in section 800 of the*  
16          *Higher Education Act of 1965, the Secretary shall award*  
17          *a grant, on a competitive basis, to a national organization*  
18          *to enable such organization to support the establishment*  
19          *and ongoing work of the program under this section.*

20          **SEC. 812. NATIONAL CENTER FOR LEARNING SCIENCE AND**  
21                                   **TECHNOLOGY TRUST FUND.**

22          (a) *ESTABLISHMENT.—There is established a non-*  
23          *profit corporation to be known as the National Center for*  
24          *Learning Science and Technology (referred to in this Act*  
25          *as the “Center”) which shall not be an agency or establish-*

1 *ment of the United States Government. The Center shall*  
 2 *be subject to the provisions of this section, and, to the extent*  
 3 *consistent with this section, to the District of Columbia*  
 4 *Nonprofit Corporation Act (D.C. Code, section 29–501 et*  
 5 *seq.).*

6 *(b) FUNDING.—*

7 *(1) IN GENERAL.—There is established in the*  
 8 *Treasury a separate fund to be known as the National*  
 9 *Center for Learning Science and Technology Trust*  
 10 *Fund (referred to in this Act as the “Trust Fund”).*  
 11 *The Trust Fund shall contain such amounts as are*  
 12 *credited to the Trust Fund under paragraph (2) and*  
 13 *other funds obtained under paragraph (3).*

14 *(2) AUTHORIZATION OF APPROPRIATIONS.—*  
 15 *There are authorized to be appropriated to the Trust*  
 16 *Fund such sums as may be necessary for the fiscal*  
 17 *years 2008 and each of the 4 succeeding fiscal years.*

18 *(3) ADDITIONAL FUNDS.—The Trust Fund is au-*  
 19 *thorized—*

20 *(A) to accept funds from any Federal agen-*  
 21 *cy or entity;*

22 *(B) to accept, hold, administer, invest, and*  
 23 *spend any gift, devise, or bequest of real or per-*  
 24 *sonal property made to the Center; and*

1                   (C) to enter into contracts with individuals,  
2                   public or private organizations, professional so-  
3                   cieties, and government agencies for the purpose  
4                   of carrying out the functions of the Center.

5           (c) *BOARD OF DIRECTORS; FUNCTIONS, AND DU-*  
6 *TIES.—*

7                   (1) *IN GENERAL.—*A board of directors of the  
8                   Center (referred to in this Act as the “Board”) shall  
9                   be established to oversee the administration of the  
10                  Center. Such Board shall consist of 9 members to be  
11                  appointed by the Secretary of Education, who—

12                   (A) reflect representation from the public  
13                   and private sectors; and

14                   (B) shall provide, as nearly as practicable,  
15                   a broad representation of various regions of the  
16                   United States, various professions and occupa-  
17                   tions, and various kinds of talent and experience  
18                   appropriate to the functions and responsibilities  
19                   of the Center.

20                  (2) *ORGANIZATION AND OPERATION.—*The board  
21                  shall incorporate and operate the center in accordance  
22                  with the laws governing tax exempt organizations in  
23                  the District of Columbia.

24                  (d) *TRUST FUND USES.—*

1           (1) *USES OF FUNDS.*—*To achieve the objectives*  
2           *of this Act, the Director of the Center, after consulta-*  
3           *tion with the Board, may use Trust funds—*

4                     (A) *to support basic and applied research*  
5                     *development and demonstrations of innovative*  
6                     *learning and assessment systems as well as the*  
7                     *components and tools needed to create them;*

8                     (B) *to support the testing and evaluation of*  
9                     *these systems; and*

10                    (C) *to encourage the widespread adoption*  
11                    *and use of effective approaches to learning.*

12           (2) *CONTRACTS AND GRANTS.*—

13                    (A) *IN GENERAL.*—*In order to carry out the*  
14                    *activities described in paragraph (1), the Direc-*  
15                    *tor of the Center, with the agreement of a major-*  
16                    *ity of the members of the Board, may award con-*  
17                    *tracts and grants to colleges and universities,*  
18                    *museums, libraries, public broadcasting entities*  
19                    *and similar nonprofit organizations and public*  
20                    *institutions (with or without private partners).*

21                    (B) *PUBLIC DOMAIN.*—

22                             (i) *IN GENERAL.*—*The research and de-*  
23                             *velopment properties and materials associ-*  
24                             *ated with a project in which a majority of*  
25                             *the funding used to carry out the project is*



1           *from a grant or contract under this Act*  
2           *shall be freely and nonexclusively available*  
3           *to the general public in a timely manner.*

4           (ii) *EXEMPTION.*—*The Director of the*  
5           *Center may exempt specific projects from*  
6           *the requirement of clause (i) if the Director*  
7           *of the Center and a majority of the members*  
8           *of the Board determine that the general*  
9           *public will benefit significantly due to the*  
10          *project not being freely and nonexclusively*  
11          *available to the general public in a timely*  
12          *manner.*

13          (C) *PEER REVIEW.*—*To the extent prac-*  
14          *ticable, proposals for grants or contracts shall be*  
15          *evaluated on the basis of comparative merit by*  
16          *panels of experts who represent diverse interests*  
17          *and perspectives, and who are appointed by the*  
18          *Director of the Center from recommendations*  
19          *from the fields served and from the Board of Di-*  
20          *rectors.*

21          (e) *ACCOUNTABILITY AND REPORTING.*—

22                (1) *REPORT.*—

23                   (A) *IN GENERAL.*—*Not later than April 30*  
24                   *of each year, the Director of the Center shall pre-*  
25                   *pare a report for the preceding fiscal year that*

1       *contains the information described in subpara-*  
2       *graph (B).*

3               *(B) CONTENTS.—A report under subpara-*  
4       *graph (A) shall include—*

5                   *(i) a comprehensive and detailed report*  
6                   *of the Center's operations, activities, finan-*  
7                   *cial condition, and accomplishments, and*  
8                   *such recommendations as the Director of the*  
9                   *Center determines appropriate;*

10                   *(ii) a comprehensive and detailed in-*  
11                   *ventory of funds distributed from the Trust*  
12                   *Fund during the fiscal year for which the*  
13                   *report is being prepared; and*

14                   *(iii) an independent audit of the Trust*  
15                   *Fund's finances and operations, and of the*  
16                   *implementation of the goals established by*  
17                   *the Board.*

18               *(C) STATEMENT OF THE BOARD.—Each re-*  
19       *port under subparagraph (A) shall include a*  
20       *statement from the Board containing—*

21                   *(i) a clear description of the plans and*  
22                   *priorities of the Board for the subsequent 5-*  
23                   *year period for expenditures from the Trust*  
24                   *Fund; and*

1                   (ii) an estimate of the funds that will  
2                   be available for such expenditures from the  
3                   Trust Fund.

4                   (D) SUBMISSION TO THE PRESIDENT AND  
5                   CONGRESS.—A report under this subsection shall  
6                   be submitted to the President and the author-  
7                   izing committees (as such term is defined in sec-  
8                   tion 103 of the Higher Education Act of 1965  
9                   (20 U.S.C. 1003)).

10                  (2) TESTIMONY.—The Director and principal of-  
11                  ficers of the Center shall testify before the appropriate  
12                  committees of Congress, upon request of such commit-  
13                  tees, with respect to—

14                         (A) a report prepared under paragraph  
15                         (1)(A); and

16                         (B) any other matter that such committees  
17                         may determine appropriate.

18                  (f) USE OF FUNDS SUBJECT TO APPROPRIATIONS.—  
19                  The authority to award grants, enter into contracts, or oth-  
20                  erwise to expend funds under this section is subject to the  
21                  availability of amounts deposited into the Trust Fund  
22                  under subsection (b)(3)(A) or (B), or amounts otherwise ap-  
23                  propriated for such purposes by an Act of Congress.

1 **SEC. 813. GAO STUDY OF EDUCATION RELATED INDEBTED-**  
 2 **NESS OF MEDICAL SCHOOL GRADUATES.**

3 (a) *STUDY REQUIRED.*—The Comptroller General  
 4 shall conduct a study to evaluate the higher education re-  
 5 lated indebtedness of medical school graduates in the United  
 6 States at the time of graduation.

7 (b) *DEADLINE.*—Not later than 1 year after the date  
 8 of enactment of this Act, the Comptroller General shall sub-  
 9 mit a report on the study required by subsection (a) to the  
 10 authorizing Committees (as such term is defined in section  
 11 103 of the Higher Education Act of 1965), and shall make  
 12 the report widely available to the public. Additional reports  
 13 may be periodically prepared and released as necessary.

14 **TITLE IX—AMENDMENTS TO**  
 15 **OTHER LAWS**

16 **PART A—EDUCATION OF THE DEAF ACT OF 1986**

17 **SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION**  
 18 **CENTER.**

19 Section 104 of the Education of the Deaf Act of 1986  
 20 (20 U.S.C. 4304) is amended—

21 (1) by striking the section heading and inserting  
 22 “**LAURENT CLERC NATIONAL DEAF EDUCATION**  
 23 **CENTER**”;

24 (2) in subsection (a)(1)(A), by inserting “the  
 25 Laurent Clerc National Deaf Education Center (re-

1       ferred to in this section as the ‘Clerc Center’) to carry  
2       out” after “maintain and operate”; and

3       (3) in subsection (b)—

4               (A) in the matter preceding subparagraph  
5       (A) of paragraph (1), by striking “elementary  
6       and secondary education programs” and insert-  
7       ing “Clerc Center”;

8               (B) in paragraph (2), by striking “elemen-  
9       tary and secondary education programs” and  
10       inserting “Clerc Center”;

11       (C) in paragraph (4)(C)—

12               (i) in clause (i), by striking “(6)” and  
13       inserting “(8)”; and

14               (ii) in clause (vi), by striking “(m)”  
15       and inserting “(o)”; and

16       (D) by adding at the end the following:

17       “(5) The University, for purposes of the elementary  
18       and secondary education programs carried out at the Clerc  
19       Center, shall—

20               “(A)(i)(I) select challenging academic content  
21       standards, challenging student academic achievement  
22       standards, and academic assessments of a State,  
23       adopted and implemented, as appropriate, pursuant  
24       to paragraphs (1) and (3) of section 1111(b) of the  
25       Elementary and Secondary Education Act of 1965

1       (20 U.S.C. 6311(b)(1) and (3)) and approved by the  
2       Secretary; or

3               “(II) develop such standards and assessments  
4       subject to the approval of the Secretary; and

5               “(ii) implement such standards and assessments  
6       for such programs by not later than the beginning of  
7       the 2009–2010 academic year;

8               “(B) annually determine whether such programs  
9       at the Clerc Center are making adequate yearly  
10      progress, as determined according to the definition of  
11      adequate yearly progress defined (pursuant to section  
12      1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C)))  
13      by—

14               “(i) the State that has adopted and imple-  
15      mented the standards and assessments selected  
16      under subparagraph (A)(i)(I); or

17               “(ii) the University, if the University devel-  
18      ops standards and assessments in accordance  
19      with subparagraph (A)(i)(II); and

20               “(C) publicly report the results of the academic  
21      assessments implemented under subparagraph (A), ex-  
22      cept where such reporting would not yield statistically  
23      reliable information or would reveal personally iden-  
24      tifiable information about an individual student, and  
25      whether the programs at the Clerc Center are making

1       adequate yearly progress, as determined under sub-  
2       paragraph (B).”.

3       **SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.**

4       Section 105(b)(4) of the Education of the Deaf Act of  
5       1986 (20 U.S.C. 4305(b)(4)) is amended—

6               (1) by striking “the Act of March 3, 1931 (40  
7       U.S.C. 276a–276a–5) commonly referred to as the  
8       Davis-Bacon Act” and inserting “subchapter IV of  
9       chapter 31 of title 40, United States Code, commonly  
10      referred to as the Davis-Bacon Act”; and

11              (2) by striking “section 2 of the Act of June 13,  
12      1934 (40 U.S.C. 276c)” and inserting “section 3145  
13      of title 40, United States Code”.

14      **SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL IN-**  
15                                   **STITUTE FOR THE DEAF.**

16      Section 112 of the Education of the Deaf Act of 1986  
17      (20 U.S.C. 4332) is amended—

18              (1) in subsection (a)—

19                      (A) in paragraph (1)—

20                              (i) in the first sentence—

21                                      (I) by striking “an institution of  
22                                      higher education” and inserting “the  
23                                      Rochester Institute of Technology,  
24                                      Rochester, New York”; and

1                   (II) by striking “of a” and insert-  
2                   ing “of the”; and

3                   (ii) by striking the second sentence;

4                   (B) by redesignating paragraph (2) as  
5                   paragraph (3); and

6                   (C) by inserting after paragraph (1) the fol-  
7                   lowing:

8           “(2) If, pursuant to the agreement established under  
9   paragraph (1), either the Secretary or the Rochester Insti-  
10   tute of Technology terminates the agreement, the Secretary  
11   shall consider proposals from other institutions of higher  
12   education and enter into an agreement with one of those  
13   institutions for the establishment and operation of a Na-  
14   tional Technical Institute for the Deaf.”; and

15           (2) in subsection (b)—

16                   (A) in paragraph (3), by striking “Com-  
17                   mittee on Labor and Human Resources of the  
18                   Senate” and inserting “Committee on Health,  
19                   Education, Labor, and Pensions of the Senate”;  
20                   and

21                   (B) in paragraph (5)—

22                           (i) by striking “the Act of March 3,  
23                           1931 (40 U.S.C. 276a—276a-5) commonly  
24                           referred to as the Davis-Bacon Act” and in-  
25                           serting “subchapter IV of chapter 31 of title



1                   40, United States Code, commonly referred  
 2                   to as the Davis-Bacon Act”; and  
 3                   (ii) by striking “section 2 of the Act of  
 4                   June 13, 1934 (40 U.S.C. 276c)” and in-  
 5                   serting “section 3145 of title 40, United  
 6                   States Code”.

7 **SEC. 904. AUDIT.**

8           Section 203 of the Education of the Deaf Act of 1986  
 9 (20 U.S.C. 4353) is amended—

10           (1) in subsection (b)—

11                   (A) in paragraph (2), by striking “sections”  
 12                   and all that follows through the period and in-  
 13                   serting “sections 102(b), 105(b)(4), 112(b)(5),  
 14                   203(c), 207(b)(2), subsections (c) through (f) of  
 15                   section 207, and subsections (b) and (c) of sec-  
 16                   tion 209.”; and

17                   (B) in paragraph (3), by inserting “and the  
 18                   Committee on Education and Labor of the House  
 19                   of Representatives and the Committee on Health,  
 20                   Education, Labor, and Pensions of the Senate”  
 21                   after “Secretary”; and

22           (2) in subsection (c)(2)(A), by striking “Com-  
 23                   mittee on Labor and Human Resources of the Senate”  
 24                   and inserting “Committee on Health, Education,  
 25                   Labor, and Pensions of the Senate”.

1 **SEC. 905. REPORTS.**

2 *Section 204 of the Education of the Deaf Act of 1986*  
 3 *(20 U.S.C. 4354) is amended—*

4 *(1) in the matter preceding paragraph (1), by*  
 5 *striking “Committee on Labor and Human Resources*  
 6 *of the Senate” and inserting “Committee on Health,*  
 7 *Education, Labor, and Pensions of the Senate”;*

8 *(2) in paragraph (1), by striking “pre-*  
 9 *paratory,”;*

10 *(3) in paragraph (2)(C), by striking “upon*  
 11 *graduation/completion” and inserting “on the date*  
 12 *that is 1 year after the date of graduation or comple-*  
 13 *tion”;* and

14 *(4) in paragraph (3)(B), by striking “of the in-*  
 15 *stitution of higher education” and all that follows*  
 16 *through the period and inserting “of NTID programs*  
 17 *and activities.”.*

18 **SEC. 906. MONITORING, EVALUATION, AND REPORTING.**

19 *Section 205 of the Education of the Deaf Act of 1986*  
 20 *(20 U.S.C. 4355) is amended—*

21 *(1) in the first sentence of subsection (a), by*  
 22 *striking “preparatory,”;*

23 *(2) in subsection (b), by striking “The Secretary,*  
 24 *as part of the annual report required under section*  
 25 *426 of the Department of Education Organization*  
 26 *Act, shall include a description of” and inserting*

1       *“The Secretary shall annually transmit information*  
 2       *to Congress on”; and*

3               *(3) in subsection (c), by striking “fiscal years*  
 4       *1998 through 2003” and inserting “fiscal years 2008*  
 5       *through 2013”.*

6   **SEC. 907. LIAISON FOR EDUCATIONAL PROGRAMS.**

7       *Section 206(a) of the Education of the Deaf Act of*  
 8       *1986 (20 U.S.C. 4356(a)) is amended by striking “Not later*  
 9       *than 30 days after the date of enactment of this Act, the”*  
 10      *and inserting “The”.*

11   **SEC. 908. FEDERAL ENDOWMENT PROGRAMS FOR GAL-**  
 12               **LAUDET UNIVERSITY AND THE NATIONAL**  
 13               **TECHNICAL INSTITUTE FOR THE DEAF.**

14      *Section 207(h) of the Education of the Deaf Act of*  
 15      *1986 (20 U.S.C. 4357(h)) is amended by striking “fiscal*  
 16      *years 1998 through 2003” each place it appears and insert-*  
 17      *ing “fiscal years 2008 through 2013”.*

18   **SEC. 909. OVERSIGHT AND EFFECT OF AGREEMENTS.**

19      *Section 208(a) of the Education of the Deaf Act of*  
 20      *1986 (20 U.S.C. 4359(a)) is amended by striking “Com-*  
 21      *mittee on Labor and Human Resources of the Senate and*  
 22      *the Committee on Education and the Workforce of the*  
 23      *House of Representatives” and inserting “Committee on*  
 24      *Education and Labor of the House of Representatives and*

1 *the Committee on Health, Education, Labor, and Pensions*  
 2 *of the Senate”.*

3 **SEC. 910. INTERNATIONAL STUDENTS.**

4 *Section 209 of the Education of the Deaf Act of 1986*  
 5 *(20 U.S.C. 4359a) is amended—*

6 *(1) in subsection (a)—*

7 *(A) by striking “preparatory, under-*  
 8 *graduate,” and inserting “undergraduate”;*

9 *(B) by striking “Effective with” and insert-*  
 10 *ing the following:*

11 *“(1) IN GENERAL.—Except as provided in para-*  
 12 *graph (2), effective with”; and*

13 *(C) by adding at the end the following:*

14 *“(2) DISTANCE LEARNING.—International stu-*  
 15 *dents who participate in distance learning courses*  
 16 *that are at NTID or the University and who are re-*  
 17 *siding outside of the United States shall—*

18 *“(A) not be counted as international stu-*  
 19 *dents for purposes of the cap on international*  
 20 *students under paragraph (1), except that in any*  
 21 *school year no United States citizen who applies*  
 22 *to participate in distance learning courses that*  
 23 *are at the University or NTID shall be denied*  
 24 *participation in such courses because of the par-*

1            *icipation of an international student in such*  
 2            *courses; and*

3            *“(B) not be charged a tuition surcharge, as*  
 4            *described in subsection (b).”;* and

5            *(2) by striking subsections (b), (c), and (d), and*  
 6            *inserting the following:*

7            *“(b) TUITION SURCHARGE.—Except as provided in*  
 8            *subsections (a)(2)(B) and (c), the tuition for postsecondary*  
 9            *international students enrolled in the University (including*  
 10           *undergraduate and graduate students) or NTID shall in-*  
 11           *clude, for academic year 2008–2009 and any succeeding*  
 12           *academic year, a surcharge of—*

13           *“(1) 100 percent for a postsecondary inter-*  
 14           *national student from a non-developing country; and*

15           *“(2) 50 percent for a postsecondary international*  
 16           *student from a developing country.*

17           *“(c) REDUCTION OF SURCHARGE.—*

18           *“(1) IN GENERAL.—Beginning with the aca-*  
 19           *demie year 2008–2009, the University or NTID may*  
 20           *reduce the surcharge—*

21           *“(A) under subsection (b)(1) from 100 per-*  
 22           *cent to not less than 50 percent if—*

23           *“(i) a student described under sub-*  
 24           *section (b)(1) demonstrates need; and*

1                   “(ii) such student has made a good-  
 2                   faith effort to secure aid through such stu-  
 3                   dent’s government or other sources; and

4                   “(B) under subsection (b)(2) from 50 per-  
 5                   cent to not less than 25 percent if—

6                   “(i) a student described under sub-  
 7                   section (b)(2) demonstrates need; and

8                   “(ii) such student has made a good  
 9                   faith effort to secure aid through such stu-  
 10                  dent’s government or other sources.

11                  “(2) *DEVELOPMENT OF SLIDING SCALE.*—*The*  
 12                  *University and NTID shall develop a sliding scale*  
 13                  *model that—*

14                  “(A) will be used to determine the amount  
 15                  of a tuition surcharge reduction pursuant to  
 16                  paragraph (1); and

17                  “(B) shall be approved by the Secretary.

18                  “(d) *DEFINITION.*—*In this section, the term ‘devel-*  
 19                  *oping country’ means a country with a per-capita income*  
 20                  *of not more than \$4,825, measured in 1999 United States*  
 21                  *dollars, as adjusted by the Secretary to reflect inflation*  
 22                  *since 1999.”.*

23   **SEC. 911. RESEARCH PRIORITIES.**

24                  *Section 210(b) of the Education of the Deaf Act of 1986*  
 25                  *(20 U.S.C. 4359b(b)) is amended by striking “Committee*

1 *on Education and the Workforce of the House of Representa-*  
 2 *tives, and the Committee on Labor and Human Resources*  
 3 *of the Senate” and inserting “Committee on Education and*  
 4 *Labor of the House of Representatives, and the Committee*  
 5 *on Health, Education, Labor, and Pensions of the Senate”.*

6 **SEC. 912. NATIONAL STUDY ON THE EDUCATION OF THE**  
 7 **DEAF.**

8 (a) *CONDUCT OF STUDY.*—Subsection (a)(1) of section  
 9 211 of the Education of the Deaf Act of 1986 (20 U.S.C.  
 10 4360) is amended by inserting after “The Secretary shall”  
 11 the following: “establish a commission on the education of  
 12 the deaf (in this section referred to as the ‘commission’) to”.

13 (b) *PUBLIC INPUT AND CONSULTATION.*—Subsection  
 14 (b) of such section is amended by striking “Secretary” each  
 15 place it appears and inserting “commission”.

16 (c) *REPORT.*—Subsection (c) of such section is amend-  
 17 ed—

18 (1) *in the matter preceding paragraph (1), by*  
 19 *striking “Secretary” and all that follows through*  
 20 *“1998” and inserting “commission shall report to the*  
 21 *Secretary and Congress not later than 18 months*  
 22 *after the date of the enactment of the College Oppor-*  
 23 *tunity and Affordability Act of 2007”; and*

24 (2) *in paragraph (1)—*

1           (A) by striking “recommendations,” and in-  
 2           serting “recommendations relating to educated-  
 3           related factors that contribute to successful post-  
 4           secondary education experiences and employment  
 5           for individuals who are deaf,”; and

6           (B) by striking “Secretary” and inserting  
 7           “commission”.

8           (d) *AUTHORIZATION OF APPROPRIATIONS.*—Sub-  
 9           section (d) of such section is amended by striking  
 10          “\$1,000,000 for each of the fiscal years 1999 and 2000”  
 11          and inserting “such sums as may be necessary for each of  
 12          the fiscal years 2008 and 2009”.

13       **SEC. 913. AUTHORIZATION OF APPROPRIATIONS.**

14          Section 212 of the Education of the Deaf Act of 1986  
 15          (20 U.S.C. 4360a) is amended—

16               (1) in subsection (a), in the matter preceding  
 17               paragraph (1), by striking “fiscal years 1998 through  
 18               2003” and inserting “fiscal years 2008 through  
 19               2013”; and

20               (2) in subsection (b), by striking “fiscal years  
 21               1998 through 2003” and inserting “fiscal years 2008  
 22               through 2013”.



1 **PART B—INDIAN EDUCATION**

2 **Subpart 1—Tribal Colleges and Universities**

3 **SEC. 921. REAUTHORIZATION OF THE TRIBALLY CON-**  
 4 **TROLLED COLLEGE OR UNIVERSITY ASSIST-**  
 5 **ANCE ACT OF 1978.**

6 (a) *CLARIFICATION OF THE DEFINITION OF NATIONAL*  
 7 *INDIAN ORGANIZATION.*—Section 2(a)(6) of the Tribally  
 8 *Controlled College or University Assistance Act of 1978* (25  
 9 *U.S.C. 1801(a)(6))* is amended by striking “in the field of  
 10 *Indian education*” and inserting “in the fields of tribally  
 11 *controlled colleges and universities and Indian higher edu-*  
 12 *cation*”.

13 (b) *INDIAN STUDENT COUNT.*—Section 2(a) of the  
 14 *Tribally Controlled College or University Assistance Act of*  
 15 *1978* (25 *U.S.C. 1801(a)*) is amended—

16 (1) *by redesignating paragraphs (7) and (8) as*  
 17 *paragraphs (8) and (9), respectively; and*

18 (2) *by inserting after paragraph (6) the fol-*  
 19 *lowing:*

20 “(7) ‘Indian student’ means a student who is—

21 “(A) a member of an Indian tribe; or

22 “(B) a biological child of a member of an  
 23 *Indian tribe, living or deceased;*”.

24 (c) *CONTINUING EDUCATION.*—Section 2(b) of the  
 25 *Tribally Controlled College or University Assistance Act of*  
 26 *1978* (25 *U.S.C. 1801(b)*) is amended—

1           (1) *in the matter preceding paragraph (1), by*  
 2           *striking “paragraph (7) of subsection (a)” and insert-*  
 3           *ing “subsection (a)(8)”;*

4           (2) *by striking paragraph (5) and inserting the*  
 5           *following:*

6           “(5) *DETERMINATION OF CREDITS.—Eligible*  
 7           *credits earned in a continuing education program—*

8                   “(A) *shall be determined as 1 credit for*  
 9                   *every 10 contact hours in the case of an institu-*  
 10                   *tion on a quarter system, or 15 contact hours in*  
 11                   *the case of an institution on a semester system,*  
 12                   *of participation in an organized continuing edu-*  
 13                   *cation experience under responsible sponsorship,*  
 14                   *capable direction, and qualified instruction, as*  
 15                   *described in the criteria established by the Inter-*  
 16                   *national Association for Continuing Education*  
 17                   *and Training; and*

18                   “(B) *shall be limited to 10 percent of the*  
 19                   *Indian student count of a tribally controlled col-*  
 20                   *lege or university.”; and*

21           (3) *by striking paragraph (6).*

22           (d) *ACCREDITATION REQUIREMENT.—Section 103 of*  
 23           *the Tribally Controlled College or University Assistance Act*  
 24           *of 1978 (25 U.S.C. 1804) is amended—*

1           (1) in paragraph (2), by striking “and” at the  
2       end;

3           (2) in paragraph (3), by striking the period at  
4       the end and inserting “; and”; and

5           (3) by inserting after paragraph (3), the fol-  
6       lowing:

7           “(4)(A) is accredited by a nationally recognized  
8       accrediting agency or association determined by the  
9       Secretary of Education to be a reliable authority with  
10      regard to the quality of training offered; or

11          “(B) according to such an agency or association,  
12      is making reasonable progress toward accreditation.”.

13      (e) *TECHNICAL ASSISTANCE CONTRACTS*.—Section  
14   105 of the Tribally Controlled College or University Assist-  
15   ance Act of 1978 (25 U.S.C. 1805) is amended—

16          (1) by striking the section designation and head-  
17      ing and all that follows through “The Secretary shall”  
18      and inserting the following:

19   **“SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.**

20      **“(a) TECHNICAL ASSISTANCE.—**

21          **“(1) IN GENERAL.—The Secretary shall”;**

22          (2) in the second sentence, by striking “In the  
23      awarding of contracts for technical assistance, pref-  
24      erence shall be given” and inserting the following:

1           “(2) *DESIGNATED ORGANIZATION.*—*The Sec-*  
 2           *retary shall require that a contract for technical as-*  
 3           *sistance under paragraph (1) shall be awarded*”; and  
 4           (3) *in the third sentence, by striking “No author-*  
 5           *ity” and inserting the following:*

6           “(b) *EFFECT OF SECTION.*—*No authority”.*

7           (f) *AMOUNT OF GRANTS.*—*Section 108(a) of the Trib-*  
 8           *ally Controlled College or University Assistance Act of 1978*  
 9           *(25 U.S.C. 1808(a)) is amended—*

10           (1) *by redesignating paragraphs (1) and (2) as*  
 11           *subparagraphs (A) and (B), respectively, and indent-*  
 12           *ing the subparagraphs appropriately;*

13           (2) *by striking “(a) Except as provided in sec-*  
 14           *tion 111,” and inserting the following:*

15           “(a) *REQUIREMENT.*—

16           “(1) *IN GENERAL.*—*Except as provided in para-*  
 17           *graph (2) and section 111,”;*

18           (3) *in paragraph (1) (as redesignated by para-*  
 19           *graphs (1) and (2))—*

20           (A) *in the matter preceding subparagraph*

21           (A) *(as redesignated by paragraph (1))—*

22           (i) *by striking “him” and inserting*  
 23           *“the Secretary”; and*

24           (ii) *by striking “product of” and in-*  
 25           *serting “product obtained by multiplying”;*

1                   (B) in subparagraph (A) (as redesignated  
2                   by paragraph (1)), by striking “section 2(a)(7)”  
3                   and inserting “section 2(a)(8)”; and

4                   (C) in subparagraph (B) (as redesignated  
5                   by paragraph (1)), by striking “\$6,000,” and in-  
6                   serting “\$8,000, as adjusted annually for infla-  
7                   tion.”; and

8                   (4) by striking “except that no grant shall exceed  
9                   the total cost of the education program provided by  
10                  such college or university.” and inserting the fol-  
11                 lowing:

12                 “(2) *EXCEPTION.*—The amount of a grant under  
13                 paragraph (1) shall not exceed an amount equal to  
14                 the total cost of the education program provided by  
15                 the applicable tribally controlled college or univer-  
16                 sity.”.

17                 (g) *GENERAL PROVISIONS REAUTHORIZATION.*—Sec-  
18                 tion 110(a) of the Tribally Controlled College or University  
19                 Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

20                   (1) in paragraphs (1), (2), (3), and (4), by strik-  
21                   ing “1999” and inserting “2008”;

22                   (2) in paragraphs (1), (2), and (3), by striking  
23                   “4 succeeding” and inserting “5 succeeding”;

24                   (3) in paragraph (2), by striking “\$40,000,000”  
25                   and inserting “such sums as may be necessary”;

1           (4) in paragraph (3), by striking “\$10,000,000”  
 2           and inserting “such sums as may be necessary”; and  
 3           (5) in paragraph (4), by striking “succeeding 4”  
 4           and inserting “5 succeeding”.

5           (h) *ENDOWMENT PROGRAM REAUTHORIZATION*.—Sec-  
 6           tion 306(a) of the Tribally Controlled College or University  
 7           Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—  
 8           (1) by striking “1999” and inserting “2008”;  
 9           and  
 10           (2) by striking “4 succeeding” and inserting “5  
 11           succeeding”.

12           (i) *TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZA-*  
 13           *TION*.—Section 403 of the Tribal Economic Development  
 14           and Technology Related Education Assistance Act of 1990  
 15           (25 U.S.C. 1852) is amended—

16           (1) by striking “\$2,000,000 for fiscal year 1999”  
 17           and inserting “such sums as may be necessary for fis-  
 18           cal year 2008”; and  
 19           (2) by striking “4 succeeding” and inserting “5  
 20           succeeding”.

21           (j) *TRIBALLY CONTROLLED POSTSECONDARY CAREER*  
 22           *AND TECHNICAL INSTITUTIONS*.—

23           (1) *IN GENERAL*.—The Tribally Controlled Col-  
 24           lege or University Assistance Act of 1978 (25 U.S.C.

1       1801 et seq.) is amended by adding at the end the fol-  
 2       lowing:

3       **“TITLE       V—TRIBALLY       CON-**  
 4       **TROLLED       POSTSECONDARY**  
 5       **CAREER AND TECHNICAL IN-**  
 6       **STITUTIONS**

7       **“SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POST-**  
 8               **SECONDARY CAREER AND TECHNICAL INSTI-**  
 9               **TUTION.**

10       *“In this title, the term ‘tribally controlled postsec-*  
 11       *ondary career and technical institution’ has the meaning*  
 12       *given the term in section 3 of the Carl D. Perkins Career*  
 13       *and Technical Education Act of 2006 (20 U.S.C. 2302).*

14       **“SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CA-**  
 15               **REER AND TECHNICAL INSTITUTIONS PRO-**  
 16               **GRAM.**

17       *“(a) IN GENERAL.—Subject to the availability of ap-*  
 18       *propriations, for fiscal year 2008 and each fiscal year there-*  
 19       *after, the Secretary shall—*

20               *“(1) subject to subsection (b), select 2 tribally*  
 21       *controlled postsecondary career and technical institu-*  
 22       *tions to receive assistance under this title; and*

23               *“(2) provide funding to the selected tribally con-*  
 24       *trolled postsecondary career and technical institutions*  
 25       *to pay the costs (including institutional support*

1       *costs) of operating postsecondary career and technical*  
 2       *education programs for Indian students at the trib-*  
 3       *ally controlled postsecondary career and technical in-*  
 4       *stitutions.*

5       “(b) *SELECTION OF CERTAIN INSTITUTIONS.*—

6               “(1) *REQUIREMENT.*—*For each fiscal year dur-*  
 7       *ing which the Secretary determines that a tribally*  
 8       *controlled postsecondary career and technical institu-*  
 9       *tion described in paragraph (2) meets the definition*  
 10       *referred to in section 501, the Secretary shall select*  
 11       *that tribally controlled postsecondary career and tech-*  
 12       *nical institution under subsection (a)(1) to receive*  
 13       *funding under this section.*

14              “(2) *INSTITUTIONS.*—*The 2 tribally controlled*  
 15       *postsecondary career and technical institutions re-*  
 16       *ferred to in paragraph (1) are—*

17                      “(A) *the United Tribes Technical College;*  
 18                      *and*

19                      “(B) *the Navajo Technical College.*

20              “(c) *METHOD OF PAYMENT.*—*For each applicable fis-*  
 21       *cal year, the Secretary shall provide funding under this sec-*  
 22       *tion to each tribally controlled postsecondary career and*  
 23       *technical institution selected for the fiscal year under sub-*  
 24       *section (a)(1) in a lump sum payment for the fiscal year.*

25              “(d) *DISTRIBUTION.*—



1           “(1) *IN GENERAL.*—For fiscal year 2009 and  
 2           each fiscal year thereafter, of amounts made available  
 3           pursuant to section 504, the Secretary shall distribute  
 4           to each tribally controlled postsecondary career and  
 5           technical institution selected for the fiscal year under  
 6           subsection (a)(1) an amount equal to the greater of—

7                   “(A) the total amount appropriated for the  
 8                   tribally controlled postsecondary career and tech-  
 9                   nical institution for fiscal year 2006; or

10                   “(B) the total amount appropriated for the  
 11                   tribally controlled postsecondary career and tech-  
 12                   nical institution for fiscal year 2008.

13           “(2) *EXCESS AMOUNTS.*—If, for any fiscal year,  
 14           the amount made available pursuant to section 504  
 15           exceeds the sum of the amounts required to be distrib-  
 16           uted under paragraph (1) to the tribally controlled  
 17           postsecondary career and technical institutions se-  
 18           lected for the fiscal year under subsection (a)(1), the  
 19           Secretary shall distribute to each tribally controlled  
 20           postsecondary career and technical institution selected  
 21           for that fiscal year a portion of the excess amount, to  
 22           be determined by—

23                   “(A) dividing the excess amount by the ag-  
 24                   gregate Indian student count (as defined in sec-  
 25                   tion 117(h) of the Carl D. Perkins Career and

1           *Technical Education Act of 2006 (20 U.S.C.*  
 2           *2327(h))) of such institutions for the prior aca-*  
 3           *demie year; and*

4                   *“(B) multiplying the quotient described in*  
 5           *subparagraph (A) by the Indian student count of*  
 6           *each such institution for the prior academic*  
 7           *year.*

8   **“SEC. 503. APPLICABILITY OF OTHER LAWS.**

9           *“(a) IN GENERAL.—Paragraphs (4) and (7) of sub-*  
 10   *section (a), and subsection (b), of section 2, sections 105,*  
 11   *108, 111, 112 and 113, and titles II, III, and IV shall not*  
 12   *apply to this title.*

13           *“(b) INDIAN SELF-DETERMINATION AND EDUCATION*  
 14   *ASSISTANCE.—Funds made available pursuant to this title*  
 15   *shall be subject to the Indian Self-Determination and Edu-*  
 16   *cation Assistance Act (25 U.S.C. 450 et seq.).*

17           *“(c) ELECTION TO RECEIVE.—A tribally controlled*  
 18   *postsecondary career and technical institution selected for*  
 19   *a fiscal year under section 502(b) may elect to receive funds*  
 20   *pursuant to section 502 in accordance with an agreement*  
 21   *between the tribally controlled postsecondary career and*  
 22   *technical institution and the Secretary under the Indian*  
 23   *Self-Determination and Education Assistance Act (25*  
 24   *U.S.C. 450 et seq.) if the agreement is in existence on the*

1 *date of enactment of the College Opportunity and Afford-*  
 2 *ability Act of 2007.*

3 “(d) *OTHER ASSISTANCE.—Eligibility for, or receipt*  
 4 *of, assistance under this title shall not preclude the eligi-*  
 5 *bility of a tribally controlled postsecondary career and tech-*  
 6 *nical institutions to receive Federal financial assistance*  
 7 *under—*

8 “(1) *any program under the Higher Education*  
 9 *Act of 1965 (20 U.S.C. 1001 et seq.);*

10 “(2) *any program under the Carl D. Perkins Ca-*  
 11 *reer and Technical Education Act of 2006; or*

12 “(3) *any other applicable program under which*  
 13 *a benefit is provided for—*

14 “(A) *institutions of higher education;*

15 “(B) *community colleges; or*

16 “(C) *postsecondary educational institutions.*

17 **“SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

18 “*There are authorized to be appropriated such sums*  
 19 *as are necessary for fiscal year 2008 and each fiscal year*  
 20 *thereafter to carry out this title.”.*

21 (2) *CONFORMING AMENDMENTS.—Section 117 of*  
 22 *the Carl D. Perkins Career and Technical Education*  
 23 *Act of 2006 (20 U.S.C. 2327) is amended—*

24 (A) *by striking subsection (a) and inserting*  
 25 *the following:*

1       “(a) *GRANT PROGRAM.*—*Subject to the availability of*  
 2 *appropriations, the Secretary shall make grants under this*  
 3 *section, to provide basic support for the education and*  
 4 *training of Indian students, to tribally controlled postsec-*  
 5 *ondary career and technical institutions that are not receiv-*  
 6 *ing Federal assistance as of the date on which the grant*  
 7 *is provided under—*

8               “(1) *title I of the Tribally Controlled College or*  
 9 *University Assistance Act of 1978 (25 U.S.C. 1802 et*  
 10 *seq.); or*

11               “(2) *the Navajo Community College Act (25*  
 12 *U.S.C. 640a et seq.).”;* and

13               *(B) by striking subsection (d) and inserting*  
 14 *the following:*

15       “(d) *APPLICATIONS.*—*To be eligible to receive a grant*  
 16 *under this section, a tribally controlled postsecondary ca-*  
 17 *reer and technical institution that is not receiving Federal*  
 18 *assistance under title I of the Tribally Controlled College*  
 19 *or University Assistance Act (25 U.S.C. 1802 et seq.) or*  
 20 *the Navajo Community College Act (25 U.S.C. 640a et seq.)*  
 21 *shall submit to the Secretary an application at such time,*  
 22 *in such manner, and containing such information as the*  
 23 *Secretary may require.”.*

24       *(k) SHORT TITLE.—*

1           (1) *IN GENERAL.*—*The first section of the Trib-*  
 2           *ally Controlled College or University Assistance Act of*  
 3           *1978 (25 U.S.C. 1801 note; Public Law 95–471) is*  
 4           *amended to read as follows:*

5   **“SECTION 1. SHORT TITLE.**

6           *“This Act may be cited as the ‘Tribally Controlled Col-*  
 7           *leges and Universities Assistance Act of 1978’.”.*

8           (2) *REFERENCES.*—*Any reference in law (in-*  
 9           *cluding regulations) to the Tribally Controlled College*  
 10          *or University Assistance Act of 1978 shall be consid-*  
 11          *ered to be a reference to the “Tribally Controlled Col-*  
 12          *leges and Universities Assistance Act of 1978”.*

13                   ***Subpart 2—Navajo Higher Education***

14   **SEC. 931. REAUTHORIZATION OF NAVAJO COMMUNITY COL-**  
 15                   ***LEGE ACT.***

16          (a) *PURPOSE.*—*Section 2 of the Navajo Community*  
 17          *College Act (25 U.S.C. 640a) is amended—*

18                  (1) *by striking “Navajo Tribe of Indians” and*  
 19                  *inserting “Navajo Nation”; and*

20                  (2) *by striking “the Navajo Community College”*  
 21                  *and inserting “Diné College”.*

22          (b) *GRANTS.*—*Section 3 of the Navajo Community Col-*  
 23          *lege Act (25 U.S.C. 640b) is amended—*

24                  (1) *in the first sentence—*

25                          (A) *by inserting “the” before “Interior”;*

1                   (B) by striking “Navajo Tribe of Indians”  
 2                   and inserting “Navajo Nation”; and

3                   (C) by striking “the Navajo Community  
 4                   College” and inserting “Diné College”; and  
 5                   (2) in the second sentence—

6                   (A) by striking “Navajo Tribe” and insert-  
 7                   ing “Navajo Nation”; and

8                   (B) by striking “Navajo Indians” and in-  
 9                   serting “Navajo people”.

10           (c) *STUDY OF FACILITIES NEEDS*.—Section 4 of the  
 11   *Navajo Community College Act* (25 U.S.C. 640c) is amend-  
 12   ed—

13           (1) in subsection (a)—

14           (A) in the first sentence—

15           (i) by striking “the Navajo Community  
 16           College” and inserting “Diné College”; and

17           (ii) by striking “August 1, 1979” and  
 18           inserting “October 31, 2010”; and

19           (B) in the second sentence, by striking  
 20           “Navajo Tribe” and inserting “Navajo Nation”; and

21           (2) in subsection (b), by striking “the date of en-  
 22           actment of the Tribally Controlled Community College  
 23           Assistance Act of 1978” and inserting “October 1,  
 24           2007”; and

1           (3) in subsection (c), in the first sentence, by  
2           striking “the Navajo Community College” and insert-  
3           ing “Diné College”.

4           (d) *AUTHORIZATION OF APPROPRIATIONS.—Section 5*  
5           *of the Navajo Community College Act (25 U.S.C. 640c–1)*  
6           *is amended—*

7           (1) in subsection (a)—

8                   (A) in paragraph (1), by striking  
9                   “\$2,000,000” and all that follows through the  
10                  end of the paragraph and inserting “such sums  
11                  as are necessary for fiscal years 2008 through  
12                  2013.”; and

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

14           “(3) Sums described in paragraph (2) shall be used  
15           to provide grants for construction activities, including the  
16           construction of buildings, water and sewer facilities, roads,  
17           information technology and telecommunications infrastruc-  
18           ture, classrooms, and external structures (such as walk-  
19           ways).”;

20           (2) in subsection (b)(1)—

21                   (A) in the matter preceding subparagraph

22                   (A)—

23                           (i) by striking “the Navajo Community  
24                           College” and inserting “Diné College”; and

1                   (ii) by striking “, for each fiscal year”  
 2                   and all that follows through “for—” and in-  
 3                   serting “such sums as are necessary for fis-  
 4                   cal years 2008 through 2013 to pay the cost  
 5                   of—”;

6                   (B) in subparagraph (A)—

7                   (i) by striking “college” and inserting  
 8                   “College”;

9                   (ii) in clauses (i) and (iii), by striking  
 10                  the commas at the end of the clauses and  
 11                  inserting semicolons; and

12                  (iii) in clause (ii), by striking “, and”  
 13                  at the end and inserting “; and”;

14                  (C) in subparagraph (B), by striking the  
 15                  comma at the end and inserting a semicolon;

16                  (D) in subparagraph (C), by striking “,  
 17                  and” at the end and inserting a semicolon;

18                  (E) in subparagraph (D), by striking the  
 19                  period at the end and inserting “; and”; and

20                  (F) by adding at the end the following:

21                         “(E) improving and expanding the College,  
 22                         including by providing, for the Navajo people  
 23                         and others in the community of the College—

24                                 “(i) higher education programs;

25                                 “(ii) career and technical education;



1                   “(iii) activities relating to the preser-  
2                   vation and protection of the Navajo lan-  
3                   guage, philosophy, and culture;

4                   “(iv) employment and training oppor-  
5                   tunities;

6                   “(v) economic development and com-  
7                   munity outreach; and

8                   “(vi) a safe learning, working, and liv-  
9                   ing environment.”; and

10               (3) in subsection (c), by striking “the Navajo  
11               Community College” and inserting “Diné College”.

12               (e) *EFFECT ON OTHER LAWS*.—Section 6 of the Navajo  
13               Community College Act (25 U.S.C. 640c–2) is amended—

14               (1) by striking “the Navajo Community College”  
15               each place it appears and inserting “Diné College”;  
16               and

17               (2) in subsection (b), by striking “college” and  
18               inserting “College”.

19               (f) *PAYMENTS; INTEREST*.—Section 7 of the Navajo  
20               Community College Act (25 U.S.C. 640c–3) is amended by

21               striking “the Navajo Community College” each place it ap-  
22               pears and inserting “Diné College”.

1 **PART C—HIGHER EDUCATION AMENDMENTS OF**  
 2 **1998; HIGHER EDUCATION AMENDMENTS OF 1992**  
 3 **SEC. 941. GRANTS FOR TRAINING FOR INCARCERATED INDI-**  
 4 **VIDUALS.**

5 *Part D of title VIII of the Higher Education Amend-*  
 6 *ments of 1998 (20 U.S.C. 1151) is amended to read as fol-*  
 7 *lows:*

8 **“PART D—GRANTS FOR TRAINING FOR**  
 9 **INCARCERATED INDIVIDUALS**  
 10 **“SEC. 821. GRANTS FOR IMPROVED WORKPLACE AND COM-**  
 11 **MUNITY TRANSITION TRAINING FOR INCAR-**  
 12 **CERATED INDIVIDUALS.**

13 *“(a) DEFINITION.—In this section:*

14 *“(1) INCARCERATED INDIVIDUAL.—The term ‘in-*  
 15 *carcerated individual’ means a male or female of-*  
 16 *fender who is incarcerated in a State or Federal pris-*  
 17 *on, including a prerelease facility.*

18 *“(2) SECRETARY.—The term ‘Secretary’ means*  
 19 *the Secretary of Education.*

20 *“(b) GRANT PROGRAM.—The Secretary—*

21 *“(1) shall establish a program in accordance*  
 22 *with this section to provide grants to the State correc-*  
 23 *tional education agencies in the States, and to the*  
 24 *Federal Bureau of Prisons, to assist and encourage*  
 25 *incarcerated individuals to acquire educational and*  
 26 *job skills, through—*

1           “(A) coursework to prepare students to take  
2 college-level courses, such as remedial math and  
3 English for postsecondary preparation;

4           “(B) the pursuit of a postsecondary edu-  
5 cation certificate, or an associate or bachelor’s  
6 degree, provided by a regionally or nationally  
7 accredited body while in prison; and

8           “(C) employment counseling and other re-  
9 lated services which start during incarceration  
10 and end not later than 1 year after release from  
11 confinement; and

12          “(2) may establish such performance objectives  
13 and reporting requirements for State correctional  
14 education agencies and the Federal Bureau of Prisons  
15 receiving grants under this section as the Secretary  
16 determines are necessary to assess the effectiveness of  
17 the program under this section.

18          “(c) APPLICATION.—To be eligible for a grant under  
19 this section, a State correctional education agency or the  
20 Federal Bureau of Prisons shall submit to the Secretary a  
21 proposal for an incarcerated individual program that—

22               “(1) identifies the scope of the problem, including  
23 the number of incarcerated individuals in need of  
24 postsecondary education and vocational training;

1           “(2) lists the accredited public or private edu-  
2           cational institution or institutions with campuses es-  
3           tablished outside the prison facility that will provide  
4           postsecondary preparatory or postsecondary edu-  
5           cational services;

6           “(3) lists the cooperating agencies, public and  
7           private, or businesses that will provide related serv-  
8           ices, such as counseling in the areas of career develop-  
9           ment, substance abuse, health, and parenting skills;

10          “(4) describes specific performance objectives and  
11          evaluation methods (in addition to, and consistent  
12          with, any objectives established by the Secretary  
13          under subsection (b)(2)) that the State correctional  
14          education agency or the Federal Bureau of Prisons  
15          will use in carrying out its proposal, including—

16               “(A) specific and quantified student out-  
17               come measures that are referenced to outcomes  
18               for non-program participants with similar de-  
19               mographic characteristics; and

20               “(B) measures, consistent with the data ele-  
21               ments and definitions described in subsection  
22               (d)(1)(A), of—

23                       “(i) program completion, including an  
24                       explicit definition of what constitutes a pro-  
25                       gram completion within the proposal;

1                   “(ii) knowledge and skill attainment,  
2                   including specification of instruments that  
3                   will measure knowledge and skill attain-  
4                   ment;

5                   “(iii) attainment of employment both  
6                   prior to and subsequent to release;

7                   “(iv) success in employment indicated  
8                   by job retention and advancement; and

9                   “(v) recidivism, including such sub-  
10                  indicators as time before subsequent offense  
11                  and severity of offense;

12                 “(5) describes how the proposed programs are to  
13                 be integrated with existing State and Federal correc-  
14                 tional education programs (such as adult education,  
15                 graduate education degree programs, and vocational  
16                 training) and State and Federal prison industry pro-  
17                 grams; and

18                 “(6) describes how the proposed programs will  
19                 have considered or will utilize technology to deliver  
20                 the services under this section.

21                 “(d) *PROGRAM REQUIREMENTS.*—Each State correc-  
22                 tional education agency and Federal Bureau of Prisons en-  
23                 tity receiving a grant under this section shall—

24                 “(1) annually report to the Secretary regard-  
25                 ing—

1           “(A) the results of the evaluations conducted  
2           using data elements and definitions provided by  
3           the Secretary for the use of State correctional  
4           education programs and the Federal Bureau of  
5           Prisons;

6           “(B) any objectives or requirements estab-  
7           lished by the Secretary pursuant to subsection  
8           (b)(2);

9           “(C) the additional performance objectives  
10          and evaluation methods contained in the pro-  
11          posal described in subsection (c)(4) as necessary  
12          to document the attainment of project perform-  
13          ance objectives; and

14          “(D) how the funds provided under this sec-  
15          tion are being allocated among postsecondary  
16          preparatory education, postsecondary academic,  
17          and vocational education programs; and

18          “(2) provide to each State and the Federal Bu-  
19          reau of Prisons for each student eligible under sub-  
20          section (e) not more than—

21                 “(A) \$3,000 annually for tuition, books,  
22                 and essential materials; and

23                 “(B) \$300 annually for related services such  
24                 as career development, substance abuse coun-

1           *seling, parenting skills training, and health edu-*  
2           *cation.*

3           “(e) *EDUCATION DELIVERY SYSTEMS.—State correc-*  
4           *tional education agencies, the Federal Bureau of Prisons,*  
5           *and cooperating institutions shall, to the extent practicable,*  
6           *use high-tech applications in developing programs to meet*  
7           *the requirements and goals of this section.*

8           “(f) *LENGTH OF PARTICIPATION.—Services carried out*  
9           *with a grant under this section shall be available to incar-*  
10          *cerated individuals as follows:*

11           “(1) *Educational services shall start during the*  
12          *period of incarceration or prerelease and shall end*  
13          *upon release.*

14           “(2) *Related services shall start during the pe-*  
15          *riod of incarceration or prerelease and may continue*  
16          *for not more than one year after release.*

17          “(g) *FEDERAL BUREAU OF PRISONS GRANT ELIGI-*  
18          *BILITY.—Notwithstanding any other provision of law, the*  
19          *Federal Bureau of Prisons shall be eligible to apply for and*  
20          *receive a grant under this section, provided that the Federal*  
21          *Bureau of Prisons meets the application and program re-*  
22          *quirements under this section.*

23          “(h) *ALLOCATION OF FUNDS.—*

24           “(1) *STATES.—From the funds appropriated*  
25          *pursuant to subsection (i) for each fiscal year, the*

1        *Secretary shall allot to each State an amount that*  
 2        *bears the same ratio to such funds as the total number*  
 3        *of incarcerated individuals in such State bears to the*  
 4        *total number of such incarcerated individuals in all*  
 5        *States.*

6            *“(2) FEDERAL BUREAU OF PRISONS FACILI-*  
 7        *TIES.—From the funds appropriated pursuant to sub-*  
 8        *section (h) for each fiscal year, the Secretary shall*  
 9        *allot to each Federal Bureau of Prisons facility an*  
 10       *amount that bears the same ratio to such funds as the*  
 11       *total number of inmates in such facility bears to the*  
 12       *total number of inmates in all Bureau of Prisons fa-*  
 13       *cilities.*

14        *“(i) AUTHORIZATION OF APPROPRIATIONS.—There are*  
 15       *authorized to be appropriated to carry out this section such*  
 16       *sums as may be necessary for fiscal year 2009 and each*  
 17       *of the 4 succeeding fiscal years.”.*

18    **SEC. 942. UNDERGROUND RAILROAD.**

19        *Section 841(c) of the Higher Education Amendments*  
 20       *of 1998 (20 U.S.C. 1153(c)) is amended by striking “this*  
 21       *section” and all that follows through the period at the end*  
 22       *and inserting “this section \$3,000,000 for fiscal years 2009*  
 23       *and the 4 succeeding fiscal years.”.*



1 **SEC. 943. REPEALS OF EXPIRED AND EXECUTED PROVI-**  
2 **SIONS.**

3 *The following provisions of the Higher Education*  
4 *Amendments of 1998 are repealed:*

5 (1) *STUDY OF MARKET MECHANISMS IN FEDERAL*  
6 *STUDENT LOAN PROGRAMS.—Section 801 (20 U.S.C.*  
7 *1018 note).*

8 (2) *STUDY OF FEASIBILITY OF ALTERNATE FI-*  
9 *NANCIAL INSTRUMENTS FOR DETERMINING LENDER*  
10 *YIELDS.—Section 802.*

11 (3) *STUDENT RELATED DEBT STUDY.—Section*  
12 *803 (20 U.S.C. 1015 note).*

13 (4) *COMMUNITY SCHOLARSHIP MOBILIZATION.—*  
14 *Part C of title VIII (20 U.S.C. 1070 note).*

15 (5) *IMPROVING UNITED STATES UNDERSTANDING*  
16 *OF SCIENCE, ENGINEERING, AND TECHNOLOGY IN*  
17 *EAST ASIA.—Part F of title VIII (42 U.S.C. 1862*  
18 *note).*

19 (6) *WEB-BASED EDUCATION COMMISSION.—Part*  
20 *J of title VIII.*

21 **SEC. 944. OLYMPIC SCHOLARSHIPS.**

22 *Section 1543(d) of the Higher Education Amendments*  
23 *of 1992 (20 U.S.C. 1070 note) is amended by striking*  
24 *“1999” and inserting “2009”.*

1 **SEC. 945. ESTABLISHMENT OF ASSISTANT SECRETARY FOR**  
2 **INTERNATIONAL AND FOREIGN LANGUAGE**  
3 **EDUCATION.**

4 (a) *IN GENERAL.*—Section 202 of the Department of  
5 Education Organization Act (20 U.S.C. 3412) is amended  
6 in subsection (b)(1)—

7 (1) in subparagraph (E) by striking “and” at  
8 the end;

9 (2) by redesignating subparagraph (F) as sub-  
10 paragraph (G); and

11 (3) by inserting after subparagraph (E) the fol-  
12 lowing:

13 “(F) an Assistant Secretary for International  
14 and Foreign Language Education; and”.

15 (b) *FUNCTIONS.*—Such section is further amended by  
16 adding at the end the following:

17 “(j) The Assistant Secretary for International and  
18 Foreign Language Education—

19 “(1) shall be an individual with extensive back-  
20 ground and experience in international and foreign  
21 language education; and

22 “(2) notwithstanding any other provision of law,  
23 shall report directly to the Secretary.”.

24 (c) *CONFORMING AMENDMENT.*—Such section is fur-  
25 ther amended in subsection (e)—

1           (1) in paragraph (4), by adding “and” at the  
2           end;

3 (2) in paragraph (5), by striking “; and” at the  
4 end and inserting a period; and

5 (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:

10 “OFFICE OF INTERNATIONAL AND FOREIGN LANGUAGE  
11 EDUCATION

12       “SEC. 207A. There shall be in the Department an Of-  
13       fice of International and Foreign Language Education, to  
14       be administered by the Assistant Secretary for Inter-  
15       national and Foreign Language Education appointed  
16       under section 202(b). In addition to performing such func-  
17       tions affecting international and foreign language edu-  
18       cation as the Secretary may prescribe, the Assistant Sec-  
19       retary shall—

20 “(1) have responsibility for encouraging and  
21 promoting the study of foreign languages and the  
22 study of cultures of other countries at the elementary,  
23 secondary, and postsecondary levels in the United  
24 States;

1           “(2) carry out the administration of all Depart-  
 2           ment programs on international and foreign language  
 3           education and research;

4           “(3) coordinate with related international and  
 5           foreign language education programs of other Federal  
 6           departments and agencies; and

7           “(4) administer and coordinate the Department  
 8           of Education’s activities in international affairs.”.

9           **PART D—JUSTICE DEPARTMENT PROGRAMS**

10       **SEC. 951. LOAN REPAYMENT FOR PROSECUTORS AND DE-**  
 11               **FENDERS.**

12           *Title I of the Omnibus Crime Control and Safe Streets*  
 13       *Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding*  
 14       *at the end the following:*

15               **“PART JJ—LOAN REPAYMENT FOR**  
 16               **PROSECUTORS AND PUBLIC DEFENDERS**

17       **“SEC. 3111. GRANT AUTHORIZATION.**

18           “(a) *PURPOSE.*—*The purpose of this section is to en-*  
 19       *courage qualified individuals to enter and continue employ-*  
 20       *ment as prosecutors and public defenders.*

21           “(b) *DEFINITIONS.*—*In this section:*

22               “(1) *PROSECUTOR.*—*The term ‘prosecutor’*  
 23       *means a full-time employee of a State or local agency*  
 24       *who—*

1           “(A) is continually licensed to practice law;  
2           and

3           “(B) prosecutes criminal or juvenile delin-  
4           quency cases (or both) at the State or local level,  
5           including an employee who supervises, educates,  
6           or trains other persons prosecuting such cases.

7           “(2) PUBLIC DEFENDER.—The term ‘public de-  
8           fender’ means an attorney who—

9           “(A) is continually licensed to practice law;  
10          and

11          “(B) is—

12               “(i) a full-time employee of a State or  
13               local agency who provides legal representa-  
14               tion to indigent persons in criminal or ju-  
15               venile delinquency cases (or both), including  
16               an attorney who supervises, educates, or  
17               trains other persons providing such rep-  
18               resentation;

19               “(ii) a full-time employee of a non-  
20               profit organization operating under a con-  
21               tract with a State or unit of local govern-  
22               ment, who devotes substantially all of such  
23               full-time employment to providing legal  
24               representation to indigent persons in crimi-  
25               nal or juvenile delinquency cases (or both),

1           including an attorney who supervises, edu-  
2           cates, or trains other persons providing such  
3           representation; or

4           “(iii) employed as a full-time Federal  
5           defender attorney in a defender organiza-  
6           tion established pursuant to subsection (g)  
7           of section 3006A of title 18, United States  
8           Code, that provides legal representation to  
9           indigent persons in criminal or juvenile de-  
10          linquency cases (or both).

11          “(3) *STUDENT LOAN*.—The term ‘student loan’  
12          means—

13               “(A) a loan made, insured, or guaranteed  
14               under part B of title IV of the Higher Education  
15               Act of 1965 (20 U.S.C. 1071 et seq.);

16               “(B) a loan made under part D or E of  
17               title IV of the Higher Education Act of 1965 (20  
18               U.S.C. 1087a et seq. and 1087aa et seq.); and

19               “(C) a loan made under section 428C or  
20               455(g) of the Higher Education Act of 1965 (20  
21               U.S.C. 1078–3 and 1087e(g)) to the extent that  
22               such loan was used to repay a Federal Direct  
23               Stafford Loan, a Federal Direct Unsubsidized  
24               Stafford Loan, or a loan made under section 428  
25               or 428H of such Act.

1       “(c) *PROGRAM AUTHORIZED.*—*The Attorney General*  
 2 *shall, subject to the availability of appropriations, establish*  
 3 *a program by which the Department of Justice shall assume*  
 4 *the obligation to repay a student loan, by direct payments*  
 5 *on behalf of a borrower to the holder of such loan, in accord-*  
 6 *ance with subsection (d), for any borrower who—*

7               “(1) *is employed as a prosecutor or public de-*  
 8 *fender; and*

9               “(2) *is not in default on a loan for which the*  
 10 *borrower seeks forgiveness.*

11       “(d) *TERMS OF LOAN REPAYMENT.*—

12               “(1) *BORROWER AGREEMENT.*—*To be eligible to*  
 13 *receive repayment benefits under subsection (c), a bor-*  
 14 *rower shall enter into a written agreement with the*  
 15 *Attorney General that specifies that—*

16                       “(A) *the borrower will remain employed as*  
 17 *a prosecutor or public defender for a required pe-*  
 18 *riod of service of not less than 3 years, unless in-*  
 19 *voluntarily 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 the*  
 24 *agreement, the borrower will repay the Attorney*

1       General the amount of any benefits received by  
2       such employee under this section; and

3               “(C) if the borrower is required to repay an  
4       amount to the Attorney General under subpara-  
5       graph (B) and fails to repay such amount, a  
6       sum equal to that amount shall be recoverable by  
7       the Federal Government from the employee (or  
8       such employee’s estate, if applicable) by such  
9       methods as are provided by law for the recovery  
10      of amounts owed to the Federal Government.

11      “(2) REPAYMENT BY BORROWER.—

12              “(A) IN GENERAL.—Any amount repaid by,  
13      or recovered from, an individual or the estate of  
14      an individual under this subsection shall be  
15      credited to the appropriation account from  
16      which the amount involved was originally paid.

17              “(B) MERGER.—Any amount credited  
18      under subparagraph (A) shall be merged with  
19      other sums in such account and shall be avail-  
20      able for the same purposes and period, and sub-  
21      ject to the same limitations, if any, as the sums  
22      with which the amount was merged.

23              “(C) WAIVER.—The Attorney General may  
24      waive, in whole or in part, a right of recovery  
25      under this subsection if it is shown that recovery



1           *would be against equity and good conscience or*  
2           *against the public interest.*

3           “(3) *LIMITATIONS.*—

4                   “(A) *STUDENT LOAN PAYMENT AMOUNT.*—  
5           *Student loan repayments made by the Attorney*  
6           *General under this section shall be made subject*  
7           *to the availability of appropriations, and subject*  
8           *to such terms, limitations, or conditions as may*  
9           *be mutually agreed upon by the borrower and*  
10           *the Attorney General in an agreement under*  
11           *paragraph (1), except that the amount paid by*  
12           *the Attorney General under this section shall not*  
13           *exceed—*

14                   “(i) *\$10,000 for any borrower in any*  
15                   *calendar year; or*

16                   “(ii) *an aggregate total of \$60,000 in*  
17                   *the case of any borrower.*

18                   “(B) *BEGINNING OF PAYMENTS.*—*Nothing*  
19           *in this section shall authorize the Attorney Gen-*  
20           *eral to pay any amount to reimburse a borrower*  
21           *for any repayments made by such borrower prior*  
22           *to the date on which the Attorney General en-*  
23           *tered into an agreement with the borrower under*  
24           *this subsection.*

25           “(e) *ADDITIONAL AGREEMENTS.*—

1           “(1) *IN GENERAL.*—On completion of the re-  
2           quired period of service under an agreement under  
3           subsection (d), the borrower and the Attorney General  
4           may, subject to paragraph (2), enter into an addi-  
5           tional agreement in accordance with subsection (d).

6           “(2) *TERM.*—An agreement entered into under  
7           paragraph (1) may require the borrower to remain  
8           employed as a prosecutor or public defender for less  
9           than 3 years.

10          “(f) *AWARD BASIS; PRIORITY.*—

11               “(1) *AWARD BASIS.*—The Attorney General shall  
12           provide repayment benefits under this section—

13                       “(A) subject to the availability of appro-  
14                   priations; and

15                       “(B) in accordance with paragraph (2), ex-  
16                   cept that the Attorney General shall determine a  
17                   fair allocation of repayment benefits among  
18                   prosecutors and defenders, and among employing  
19                   entities nationwide.

20               “(2) *PRIORITY.*—In providing repayment bene-  
21           fits under this section in any fiscal year, the Attorney  
22           General shall give priority to borrowers—

23                       “(A) who, when compared to other eligible  
24                   borrowers, have the least ability to repay their  
25                   student loans (considering whether the borrower

1           *is the beneficiary of any other student loan re-*  
2           *payment program), as determined by the Attor-*  
3           *ney General; or*

4           “(B) *who—*

5                   “(i) *received repayment benefits under*  
6                   *this section during the preceding fiscal year;*  
7                   *and*

8                   “(ii) *have completed less than 3 years*  
9                   *of the first required period of service speci-*  
10                  *fied for the borrower in an agreement en-*  
11                  *tered into under subsection (d).*

12          “(g) *REGULATIONS.—The Attorney General is author-*  
13          *ized to issue such regulations as may be necessary to carry*  
14          *out the provisions of this section.*

15          “(h) *REPORT BY INSPECTOR GENERAL.—Not later*  
16          *than 3 years after the date of the enactment of this section,*  
17          *the Inspector General of the Department of Justice shall*  
18          *submit to Congress a report on—*

19                  “(1) *the cost of the program authorized under*  
20                  *this section; and*

21                  “(2) *the impact of such program on the hiring*  
22                  *and retention of prosecutors and public defenders.*

23          “(i) *GAO STUDY.—Not later than one year after the*  
24          *date of the enactment of this section, the Comptroller Gen-*  
25          *eral shall conduct a study of, and report to Congress on,*

1 *the impact that law school accreditation requirements and*  
 2 *other factors have on the costs of law school and student*  
 3 *access to law school, including the impact of such require-*  
 4 *ments on racial and ethnic minorities.*

5 “(j) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 6 *authorized to be appropriated to carry out this section*  
 7 *\$25,000,000 for each of the fiscal years 2008 through*  
 8 *2013.”.*

9 **SEC. 952. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.**

10 (a) *IN GENERAL.—The Attorney General of the United*  
 11 *States is authorized to make grants, through the Office of*  
 12 *Community Oriented Policing Services, to establish and op-*  
 13 *erate a National Center for Campus Public Safety (referred*  
 14 *to in this section as the “Center”). The Center shall—*

15 (1) *provide quality education and training for*  
 16 *campus public safety agencies and the agencies’ col-*  
 17 *laborative partners, including campus mental health*  
 18 *agencies;*

19 (2) *foster quality research to strengthen the safe-*  
 20 *ty and security of the institutions of higher education*  
 21 *in the United States;*

22 (3) *serve as a clearinghouse for the identification*  
 23 *and dissemination of information, policies, proce-*  
 24 *dures, and best practices relevant to campus public*  
 25 *safety, including the prevention of violence against*

1        *persons and property and emergency response and*  
2        *evacuation procedures;*

3            *(4) develop protocols, in conjunction with the At-*  
4        *torney General, the Secretary of Homeland Security,*  
5        *the Secretary of Education, State, local, and tribal*  
6        *governments and law enforcement agencies, private*  
7        *and nonprofit organizations and associations, and*  
8        *other stakeholders, to prevent, protect against, respond*  
9        *to, and recover from, natural and man-made emer-*  
10       *gencies or dangerous situations involving an imme-*  
11       *diat threat to the health or safety of the campus com-*  
12       *munity;*

13           *(5) promote the development and dissemination*  
14       *of effective behavioral threat assessment and manage-*  
15       *ment models to prevent campus violence;*

16           *(6) coordinate campus safety information and*  
17       *resources available from the Department of Justice,*  
18       *the Department of Homeland Security, the Depart-*  
19       *ment of Education, State, local, and tribal govern-*  
20       *ments and law enforcement agencies, and private and*  
21       *nonprofit organizations and associations;*

22           *(7) increase cooperation, collaboration, and con-*  
23       *sistency in prevention, response, and problem-solving*  
24       *methods among law enforcement, mental health, and*

1        *other agencies and jurisdictions serving institutions of*  
2        *higher education in the United States;*

3            *(8) develop standardized formats and models for*  
4        *mutual aid agreements and memoranda of under-*  
5        *standing between campus security agencies and other*  
6        *public safety organizations and mental health agen-*  
7        *cies; and*

8            *(9) report annually to Congress and the Attorney*  
9        *General on activities performed by the Center during*  
10       *the previous 12 months.*

11       *(b) COORDINATION WITH AVAILABLE RESOURCES.—*  
12       *In establishing the Center, the Attorney General shall—*

13            *(1) consult with the Secretary of Homeland Se-*  
14        *curity, the Secretary of Education, and the Attorneys*  
15        *General of each State; and*

16            *(2) coordinate the establishment and operation of*  
17        *the Center with campus public safety resources that*  
18        *may already be available within the Department of*  
19        *Homeland Security and the Department of Edu-*  
20        *cation.*

21       *(c) DEFINITION OF INSTITUTION OF HIGHER EDU-*  
22       *CATION.—In this section, the term “institution of higher*  
23       *education” has the meaning given the term in section 101*  
24       *of the Higher Education Act of 1965 (20 U.S.C. 1001).*

1       (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
2 *authorized to be appropriated to carry out this section*  
3 *\$2,750,000 for each of the fiscal years 2008 and 2009 and*  
4 *such sums as may be necessary thereafter.*

5 **SEC. 953. PRIVATE LOAN FORGIVENESS.**

6       Section 209 of title 18, United States Code, is amended  
7 by adding at the end the following new subsection:

8       “(i) *This section does not prohibit—*

9               “(1) *a public or private institution of higher*  
10 *education from providing an officer or employee of*  
11 *the executive branch of the United States Government,*  
12 *of any independent agency of the United States, or of*  
13 *the District of Columbia who is a current or former*  
14 *student of such institution, financial assistance for*  
15 *the purpose of repaying a student loan or providing*  
16 *forbearance of student loan repayment: Provided, that*  
17 *such repaying or providing forbearance—*

18               “(A) *is not provided exclusively to officers*  
19 *and employees of the executive branch of the*  
20 *United States Government, of any independent*  
21 *agency of the United States, and of the District*  
22 *of Columbia; and*

23               “(B) *is provided to any such officer or em-*  
24 *ployee—*

1           “(i) in accordance with a written, pub-  
 2           lished policy of the institution relating to  
 3           repaying or providing forbearance, respec-  
 4           tively, for students who perform public serv-  
 5           ice; and

6           “(ii) under the same terms and condi-  
 7           tions as are available under such policy to  
 8           other students of the institution who are  
 9           performing public service and who qualify  
 10          for such repayment or forbearance; and

11          “(2) an officer or employee of the executive  
 12          branch of the United States Government, of any inde-  
 13          pendent agency of the United States, or of the District  
 14          of Columbia from receiving repayment or forbearance  
 15          permitted under paragraph (1).”.

16       **PART E—STEVENSON-WYDLER TECHNOLOGY**  
 17               **INNOVATION ACT OF 1980**

18       **SEC. 961. ESTABLISHMENT OF PROGRAM.**

19       Section 5 of the Stevenson-Wydler Technology Innova-  
 20       tion Act of 1980 (15 U.S.C. 3704) is amended by inserting  
 21       the following after subsection (b):

22       “(c) **MINORITY SERVING INSTITUTION DIGITAL AND**  
 23       **WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—**

24       “(1) **IN GENERAL.—**The Secretary shall establish  
 25       a Minority Serving Institution Digital and Wireless



1       *Technology Opportunity Program to assist eligible in-*  
2       *stitutions in acquiring, and augmenting their use of,*  
3       *digital and wireless networking technologies to im-*  
4       *prove the quality and delivery of educational services*  
5       *at eligible institutions.*

6               “(2) *AUTHORIZED ACTIVITIES.*—*An eligible in-*  
7       *stitution may use a grant, cooperative agreement, or*  
8       *contract awarded under this subsection—*

9               “(A) *to acquire equipment, instrumenta-*  
10       *tion, networking capability, hardware and soft-*  
11       *ware, digital network technology, wireless tech-*  
12       *nology, and infrastructure to further the objective*  
13       *of the Program described in paragraph (1);*

14              “(B) *to develop and provide training, edu-*  
15       *cation, and professional development programs,*  
16       *including faculty development, to increase the*  
17       *use of, and usefulness of, digital and wireless*  
18       *networking technology;*

19              “(C) *to provide teacher education, including*  
20       *the provision of preservice teacher training and*  
21       *in-service professional development at eligible in-*  
22       *stitutions, library and media specialist training,*  
23       *and preschool and teacher aid certification to in-*  
24       *dividuals who seek to acquire or enhance tech-*  
25       *nology skills in order to use digital and wireless*

1       *networking technology in the classroom or in-*  
2       *structional process, including instruction in*  
3       *science, mathematics, engineering, and tech-*  
4       *nology subjects;*

5               *“(D) to obtain capacity-building technical*  
6       *assistance, including through remote technical*  
7       *support, technical assistance workshops, and dis-*  
8       *tance learning services; and*

9               *“(E) to foster the use of digital and wireless*  
10       *networking technology to improve research and*  
11       *education, including scientific, mathematics, en-*  
12       *gineering, and technology instruction.*

13       *“(3) APPLICATION AND REVIEW PROCEDURES.—*

14               *“(A) IN GENERAL.—To be eligible to receive*  
15       *a grant, cooperative agreement, or contract*  
16       *under this subsection, an eligible institution*  
17       *shall submit an application to the Secretary at*  
18       *such time, in such manner, and containing such*  
19       *information as the Secretary may require. Such*  
20       *application, at a minimum, shall include a de-*  
21       *scription of how the funds will be used, including*  
22       *a description of any digital and wireless net-*  
23       *working technology to be acquired, and a de-*  
24       *scription of how the institution will ensure that*  
25       *digital and wireless networking will be made ac-*

1       cessible to, and employed by, students, faculty,  
2       and administrators. The Secretary, consistent  
3       with subparagraph (C) and in consultation with  
4       the advisory council established under subpara-  
5       graph (B), shall establish procedures to review  
6       such applications. The Secretary shall publish  
7       the application requirements and review criteria  
8       in the Federal Register, along with a statement  
9       describing the availability of funds.

10       “(B) *ADVISORY COUNCIL.*—The Secretary  
11       shall establish an advisory council to advise the  
12       Secretary on the best approaches to encourage  
13       maximum participation by eligible institutions  
14       in the program established under paragraph (1),  
15       and on the procedures to review proposals sub-  
16       mitted to the program. In selecting the members  
17       of the advisory council, the Secretary shall con-  
18       sult with representatives of appropriate organi-  
19       zations, including representatives of eligible in-  
20       stitutions, to ensure that the membership of the  
21       advisory council includes representatives of mi-  
22       nority businesses and eligible institution commu-  
23       nities. The Secretary shall also consult with ex-  
24       perts in digital and wireless networking tech-

1            *nology to ensure that such expertise is rep-*  
2            *resented on the advisory council.*

3            “(C) *REVIEW PANELS.*—*Each application*  
4            *submitted under this subsection by an eligible in-*  
5            *stitution shall be reviewed by a panel of individ-*  
6            *uals selected by the Secretary to judge the qual-*  
7            *ity and merit of the proposal, including the ex-*  
8            *tent to which the eligible institution can effec-*  
9            *tively and successfully utilize the proposed grant,*  
10           *cooperative agreement, or contract to carry out*  
11           *the program described in paragraph (1). The*  
12           *Secretary shall ensure that the review panels in-*  
13           *clude representatives of minority serving institu-*  
14           *tions and others who are knowledgeable about el-*  
15           *igible institutions and technology issues. The*  
16           *Secretary shall ensure that no individual as-*  
17           *signed under this subsection to review any appli-*  
18           *cation has a conflict of interest with regard to*  
19           *that application. The Secretary shall take into*  
20           *consideration the recommendations of the review*  
21           *panel in determining whether to award a grant,*  
22           *cooperative agreement, or contract to an eligible*  
23           *institution.*

24           “(D) *INFORMATION DISSEMINATION.*—*The*  
25           *Secretary shall convene an annual meeting of el-*

1        *eligible institutions receiving grants, cooperative*  
2        *agreements, or contracts under this subsection to*  
3        *foster collaboration and capacity-building activi-*  
4        *ties among eligible institutions.*

5                “(E) *MATCHING REQUIREMENT.*—*The Sec-*  
6        *retary may not award a grant, cooperative*  
7        *agreement, or contract to an eligible institution*  
8        *under this subsection unless such institution*  
9        *agrees that, with respect to the costs incurred by*  
10        *the institution in carrying out the program for*  
11        *which the grant, cooperative agreement, or con-*  
12        *tract was awarded, such institution shall make*  
13        *available, directly, or through donations from*  
14        *public or private entities, non-Federal contribu-*  
15        *tions in an amount equal to one-quarter of the*  
16        *grant, cooperative agreement, or contract award-*  
17        *ed by the Secretary, or \$500,000, whichever is*  
18        *the lesser amount. The Secretary shall waive the*  
19        *matching requirement for any institution or con-*  
20        *sortium with no endowment, or an endowment*  
21        *that has a current dollar value lower than*  
22        *\$50,000,000.*

23                “(F) *AWARDS.*—

24                        “(i) *LIMITATION.*—*An eligible institu-*  
25        *tion that receives a grant, cooperative agree-*

1            *ment, or contract under this subsection that*  
2            *exceeds \$2,500,000 shall not be eligible to re-*  
3            *ceive another grant, cooperative agreement,*  
4            *or contract.*

5            “(ii) *CONSORTIA.*—*Grants, cooperative*  
6            *agreements, and contracts may only be*  
7            *awarded to eligible institutions. Eligible in-*  
8            *stitutions may seek funding under this sub-*  
9            *section for consortia which may include*  
10           *other eligible institutions, a State or a State*  
11           *education agency, local education agencies,*  
12           *institutions of higher education, commu-*  
13           *nity-based organizations, national nonprofit*  
14           *organizations, or businesses, including mi-*  
15           *nority businesses.*

16           “(iii) *PLANNING GRANTS.*—*The Sec-*  
17           *retary may provide funds to develop stra-*  
18           *tegic plans to implement such grants, coop-*  
19           *erative agreements, or contracts.*

20           “(iv) *INSTITUTIONAL DIVERSITY.*—*In*  
21           *awarding grants, cooperative agreements,*  
22           *and contracts to eligible institutions, the*  
23           *Secretary shall ensure, to the extent prac-*  
24           *ticable, that awards are made to all types*

1           *of institutions eligible for assistance under*  
2           *this subsection.*

3           “(v) *NEED.*—*In awarding funds under*  
4           *this subsection, the Secretary shall give pri-*  
5           *ority to the institution with the greatest*  
6           *demonstrated need for assistance.*

7           “(G) *ANNUAL REPORT AND EVALUATION.*—

8           “(i) *ANNUAL REPORT REQUIRED FROM*  
9           *RECIPIENTS.*—*Each institution that receives*  
10          *a grant, cooperative agreement, or contract*  
11          *awarded under this subsection shall provide*  
12          *an annual report to the Secretary on its use*  
13          *of the grant, cooperative agreement, or con-*  
14          *tract.*

15          “(ii) *INDEPENDENT ASSESSMENT.*—  
16          *Not later than 6 months after the date of*  
17          *enactment of this subsection, the Secretary*  
18          *shall enter into a contract with the Na-*  
19          *tional Academy of Public Administration to*  
20          *conduct periodic assessments of the pro-*  
21          *gram. The Assessments shall be conducted*  
22          *once every 3 years during the 10-year pe-*  
23          *riod following the enactment of this sub-*  
24          *section. The assessments shall include an*  
25          *evaluation of the effectiveness of the pro-*

1            *gram in improving the education and*  
2            *training of students, faculty and staff at eli-*  
3            *gible institutions that have been awarded*  
4            *grants, cooperative agreements, or contracts*  
5            *under the program; an evaluation of the ef-*  
6            *fectiveness of the program in improving ac-*  
7            *cess to, and familiarity with, digital and*  
8            *wireless networking technology for students,*  
9            *faculty, and staff at all eligible institutions;*  
10           *an evaluation of the procedures established*  
11           *under paragraph (3)(A); and recommenda-*  
12           *tions for improving the program, including*  
13           *recommendations concerning the continuing*  
14           *need for Federal support. In carrying out*  
15           *its assessments, the National Academy of*  
16           *Public Administration shall review the re-*  
17           *ports submitted to the Secretary under*  
18           *clause (i).*

19           “(iii) *REPORT TO CONGRESS.*—Upon  
20           *completion of each independent assessment*  
21           *carried out under clause (ii), the Secretary*  
22           *shall transmit the assessment to Congress*  
23           *along with a summary of the Secretary’s*  
24           *plans, if any, to implement the rec-*



ommendations 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*

1 *the Higher Education Act of 1965 (20*  
2 *U.S.C. 1101a(a)(5));*

3 *“(III) a tribally controlled college*  
4 *or university, as defined in section*  
5 *316(b)(3) of the Higher Education Act*  
6 *of 1965 (20 U.S.C. 1059c(b)(3));*

7 *“(IV) an Alaska Native-serving*  
8 *institution under section 317(b) of the*  
9 *Higher Education Act of 1965 (20*  
10 *U.S.C. 1059d(b));*

11 *“(V) a Native Hawaiian-serving*  
12 *institution under section 317(b) of the*  
13 *Higher Education Act of 1965 (20*  
14 *U.S.C. 1059d(b)); or*

15 *“(VI) an institution of higher*  
16 *education (as defined in section 365 of*  
17 *the Higher Education Act of 1965 (20*  
18 *U.S.C. 1067k)) with an enrollment of*  
19 *needy students (as defined in section*  
20 *312(d) of the Higher Education Act of*  
21 *1965 (20 U.S.C. 1058(d))).*

22 *“(iii) INSTITUTION OF HIGHER EDU-*  
23 *CATION.—The term ‘institution of higher*  
24 *education’ has the meaning given the term*

1 *in section 101 of the Higher Education Act*  
2 *of 1965 (20 U.S.C. 1001).*

3 “(iv) *LOCAL EDUCATIONAL AGENCY.*—  
4 *The term ‘local educational agency’ has the*  
5 *meaning given the term in section 9101 of*  
6 *the Elementary and Secondary Education*  
7 *Act of 1965 (20 U.S.C. 7801).*

8 “(v) *MINORITY BUSINESS.*—*The term*  
9 *‘minority business’ includes HUBZone*  
10 *small business concerns (as defined in sec-*  
11 *tion 3(p) of the Small Business Act (15*  
12 *U.S.C. 632(p)).*

13 “(vi) *MINORITY INDIVIDUAL.*—*The*  
14 *term ‘minority individual’ means an Amer-*  
15 *ican Indian, Alaskan Native, Black (not of*  
16 *Hispanic origin), Hispanic (including per-*  
17 *sons of Mexican, Puerto Rican, Cuban and*  
18 *Central or South American origin), or Pa-*  
19 *cific Islander individual.*

20 “(vii) *STATE.*—*The term ‘State’ has*  
21 *the meaning given the term in section 9101*  
22 *of the Elementary and Secondary Edu-*  
23 *cation Act of 1965 (20 U.S.C. 7801).*

24 “(viii) *STATE EDUCATIONAL AGEN-*  
25 *CY.*—*The term ‘State educational agency’*

1                    *has the meaning given the term in section*  
 2                    *9101 of the Elementary and Secondary*  
 3                    *Education Act of 1965 (20 U.S.C. 7801).”.*

4 **SEC. 962. AUTHORIZATION OF APPROPRIATIONS.**

5            *There are authorized to be appropriated to the Sec-*  
 6 *retary of Commerce to carry out section 5(c) of the Steven-*  
 7 *son-Wylder Technology Innovation Act of 1980—*

8                    (1) \$250,000,000 for fiscal year 2008; and

9                    (2) such sums as may be necessary for each of  
 10            *the fiscal years 2009 through 2012.*

11 **TITLE X—PRIVATE STUDENT**  
 12 **LOAN TRANSPARENCY AND**  
 13 **IMPROVEMENT**

14 **SEC. 1001. SHORT TITLE.**

15            *This title may be cited as the “Private Student Loan*  
 16 *Transparency and Improvement Act of 2007”.*

17 **SEC. 1002. DEFINITIONS.**

18            *As used in this title—*

19                    (1) the term “Board” means the Board of Gov-  
 20                    *ernors of the Federal Reserve System;*

21                    (2) the term “covered educational institution”—

22                    (A) means any educational institution that  
 23                    *offers a postsecondary educational degree, certifi-*  
 24                    *cate, or program of study (including any institu-*  
 25                    *tion of higher education); and*

1           (B) includes an agent or employee of the  
2           educational institution;

3           (3) the terms “Federal banking agencies” and  
4           “appropriate Federal banking agency” have the same  
5           meanings as in section 3 of the Federal Deposit In-  
6           surance Act (12 U.S.C. 1813);

7           (4) the term “institution of higher education”  
8           has the same meaning as in section 102 of the Higher  
9           Education Act of 1965 (20 U.S.C. 1002);

10          (5) the term “postsecondary educational ex-  
11          penses” means any of the expenses that are included  
12          as part of the cost of attendance of a student, as de-  
13          fined under section 472 of the Higher Education Act  
14          of 1965 (20 U.S.C. 1087ll);

15          (6) the term “private educational lender” means  
16          any creditor (as defined in section 103 of the Truth  
17          in Lending Act) which solicits, makes, or extends pri-  
18          vate educational loans; and

19          (7) the term “private educational loan”—

20               (A) means a loan provided by a private  
21               educational lender that—

22                       (i) is not made, insured, or guaranteed  
23                       under part B of title IV of the Higher Edu-  
24                       cation Act of 1965 (20 U.S.C. 1070 et seq.);  
25                       and

1                   (ii) is issued by a private educational  
2                   lender expressly for postsecondary edu-  
3                   cational expenses to a student, or the parent  
4                   of the student, regardless of whether the loan  
5                   involves enrollment certification by the edu-  
6                   cational institution that the student at-  
7                   tends, or whether the loan is provided  
8                   through the educational institution that the  
9                   subject student attends or directly to the  
10                  borrower from the lender; and

11                  (B) does not include an extension of credit  
12                  under an open end consumer credit plan, a resi-  
13                  dential mortgage transaction (as those terms are  
14                  defined in section 103 of the Truth in Lending  
15                  Act), or any other loan that is secured by real  
16                  property or a dwelling.

17 **SEC. 1003. REGULATIONS.**

18                  The Board shall issue final regulations to implement  
19                  this title and the amendments made by this title not later  
20                  than 180 days after the date of enactment of this title.

21 **SEC. 1004. EFFECTIVE DATES.**

22                  This title and the amendments made by this title shall  
23                  become effective 180 days after the date on which regula-  
24                  tions to carry out this title and the amendments made by  
25                  this title are issued in final form.

1 ***Subtitle A—Preventing Unfair and***  
 2 ***Deceptive Private Educational***  
 3 ***Lending Practices and Eliminating***  
 4 ***Conflicts of Interest***

5 ***SEC. 1011. AMENDMENT TO THE TRUTH IN LENDING ACT.***

6 (a) *IN GENERAL.*—Chapter 2 of the Truth in Lending  
 7 Act (15 U.S.C. 1631 et seq.) is amended by adding at the  
 8 end the following new section:

9 ***“§ 140. Preventing unfair and deceptive private edu-***  
 10 ***cational lending practices and elimi-***  
 11 ***nating conflicts of interest***

12 “(a) *DEFINITIONS.*—For purposes of this section, the  
 13 following definitions shall apply:

14 “(1) *COVERED EDUCATIONAL INSTITUTION.*—The  
 15 term ‘covered educational institution’—

16 “(A) means any educational institution  
 17 that offers a postsecondary educational degree,  
 18 certificate, or program of study (including any  
 19 institution of higher education); and

20 “(B) includes an agent or employee of the  
 21 educational institution.

22 “(2) *GIFT.*—The term ‘gift’—

23 “(A) means any gratuity, favor, discount,  
 24 entertainment, hospitality, loan, or other item  
 25 having a monetary value of more than a de

1       *minimis* amount, including a gift of services,  
2       transportation, lodging, or meals, whether pro-  
3       vided in kind, by purchase of a ticket, payment  
4       in advance, or reimbursement after the expense  
5       has been incurred;

6               “(B) does not include—

7                       “(i) standard informational material  
8                       related to a loan or financial literacy (such  
9                       as a brochure);

10                      “(ii) food, refreshments, training, or  
11                      informational material furnished to an em-  
12                      ployee or agent of a covered educational in-  
13                      stitution, as an integral part of a training  
14                      session that is designed to improve the serv-  
15                      ice of the private educational lender to the  
16                      covered educational institution, if such  
17                      training contributes to the professional de-  
18                      velopment of the employee or agent of the  
19                      covered educational institution; or

20                      “(iii) favorable terms, conditions, and  
21                      borrower benefits on an educational loan  
22                      provided to a student employed by the cov-  
23                      ered educational institution if such terms,  
24                      conditions, or benefits are comparable to



1           *those provided to all students of the institu-*  
2           *tion; and*

3           “(C) *includes a gift to a family member of*  
4           *an officer, employee, or agent of a covered insti-*  
5           *tution, or a gift to any other individual based on*  
6           *that individual’s relationship with the officer,*  
7           *employee, or agent, if—*

8                   “(i) *the gift is given with the knowl-*  
9                   *edge and acquiescence of the officer, em-*  
10                  *ployee, or agent; and*

11                  “(ii) *the officer, employee, or agent has*  
12                  *reason to believe the gift was given because*  
13                  *of the official position of the officer, em-*  
14                  *ployee, or agent.*

15           “(3) *INSTITUTION OF HIGHER EDUCATION.—the*  
16           *term ‘institution of higher education’ has the same*  
17           *meaning as in section 102 of the Higher Education*  
18           *Act of 1965 (20 U.S.C. 1002).*

19           “(4) *POSTSECONDARY EDUCATIONAL EXPENSE.—*  
20           *The term ‘postsecondary educational expenses’ means*  
21           *any of the expenses that are included as part of the*  
22           *cost of attendance of a student, as defined under sec-*  
23           *tion 472 of the Higher Education Act of 1965 (20*  
24           *U.S.C. 1087l).*

1           “(5) *PRIVATE EDUCATIONAL LENDER*.—The term  
2           ‘private educational lender’ means a creditor which  
3           solicits, makes, or extends private educational loans.

4           “(6) *PRIVATE EDUCATIONAL LOAN*.—The term  
5           ‘private educational loan’—

6           “(A) means a loan provided by a private  
7           educational lender that—

8           “(i) is not made, insured, or guaran-  
9           teed under part B of title IV of the Higher  
10          Education Act of 1965 (20 U.S.C. 1070 et  
11          seq.); and

12          “(ii) is issued by a private educational  
13          lender expressly for postsecondary edu-  
14          cational expenses to a student, or the parent  
15          of the student, regardless of whether the loan  
16          involves enrollment certification by the edu-  
17          cational institution that the student at-  
18          tends, or whether the loan is provided  
19          through the educational institution that the  
20          subject student attends or directly to the  
21          borrower from the lender; and

22          “(B) does not include an extension of credit  
23          under an open end consumer credit plan, a resi-  
24          dential mortgage transaction, or any other loan  
25          that is secured by real property or a dwelling.

1           “(7) *REVENUE SHARING.*—the term ‘revenue  
2           *sharing*’ means an arrangement between a covered  
3           educational institution and a private educational  
4           lender under which—

5                   “(A) a private educational lender provides  
6                   or issues private educational loans to students  
7                   attending the covered educational institution or  
8                   to the parents of such students;

9                   “(B) the covered educational institution rec-  
10                  ommends to students or others the private edu-  
11                  cational lender or the private educational loans  
12                  of the private educational lender; and

13                  “(C) the private educational lender pays a  
14                  fee or provides other material benefits, including  
15                  profit or revenue sharing, to the covered edu-  
16                  cational institution or to the officers, employees,  
17                  or agents of the covered educational institution  
18                  in connection with the private educational loans  
19                  provided to students attending the covered edu-  
20                  cational institution or a borrower acting on be-  
21                  half of a student.

22           “(b) *PROHIBITION ON CERTAIN GIFTS AND ARRANGE-*  
23           *MENTS.*—A private educational lender, including any offi-  
24           cer or employee thereof, may not, directly or indirectly—

1           “(1) offer or provide any gift to a covered edu-  
2           cational institution or a covered educational institu-  
3           tion employee, nor may such covered educational in-  
4           stitution, officer, or employee receive any such gift, in  
5           exchange for any advantage or consideration provided  
6           to such private educational lender related to its pri-  
7           vate educational loan activities; or

8           “(2) engage in revenue sharing with a covered  
9           educational institution.

10          “(c) *PROHIBITION ON CO-BRANDING.*—A private edu-  
11          cational lender may not use the name, emblem, mascot, or  
12          logo of the covered educational institution, or other words,  
13          pictures, or symbols readily identified with the covered edu-  
14          cational institution, in the marketing of private edu-  
15          cational loans in any way that implies that the covered  
16          educational institution endorses the private educational  
17          loans offered by the lender.

18          “(d) *BAN ON PARTICIPATION ON ADVISORY COUN-*  
19          *CILS.*—

20               “(1) *IN GENERAL.*—An officer, employee, or  
21          agent who is employed in the financial aid office of  
22          a covered institution, or who otherwise has respon-  
23          sibilities with respect to private educational loans,  
24          shall not serve on or otherwise participate with advi-

1        *sory councils of private educational lenders or affili-*  
 2        *ates of such lenders.*

3            “(2) *RULES OF CONSTRUCTION.*—No provision of  
 4        *this subsection shall be construed as—*

5            “(A) *prohibiting private educational lenders*  
 6        *from seeking advice from covered institutions or*  
 7        *groups of covered institutions (including through*  
 8        *telephonic or electronic means, or a meeting) in*  
 9        *order to improve products and services for bor-*  
 10       *rowers, to the extent that no gifts or compensa-*  
 11       *tion (including for transportation, lodging, or*  
 12       *related expenses) are provided by private edu-*  
 13       *cational lenders in connection with seeking this*  
 14       *advice from such institutions; or*

15           “(B) *prohibiting an employee, officer, or*  
 16        *agent of a covered institution from serving on*  
 17        *the board of directors of a private educational*  
 18        *lender, if required by State law.*

19           “(e) *PROHIBITION ON PREPAYMENT OR REPAYMENT*  
 20        *FEES OR PENALTY.*—It shall be unlawful for any private  
 21        *educational lender to impose a fee or penalty on a borrower,*  
 22        *directly or indirectly, for early repayment or prepayment,*  
 23        *of any private educational loan.”.*

24           (b) *CLERICAL AMENDMENT.*—The table of sections for  
 25        *chapter 2 of the Truth in Lending Act is amended by insert-*

1 *ing after the item relating to section 139 the following new*  
 2 *item:*

*“140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest.”.*

3 **SEC. 1012. CIVIL LIABILITY.**

4 *Section 130 of the Truth in Lending Act (15 U.S.C.*  
 5 *1640) is amended—*

6 *(1) in subsection (a)—*

7 *(A) in paragraph (3), by inserting “or sec-*  
 8 *tion 128(e)(8)” after “section 125”; and*

9 *(B) in the fourth sentence of the undesig-*  
 10 *nated matter at the end—*

11 *(i) by striking “125 or” and inserting*  
 12 *“125,”; and*

13 *(ii) by inserting “or of section 128(e),”*  
 14 *before “or for failing”; and*

15 *(2) in subsection (e), by inserting before the first*  
 16 *period, the following: “or, in the case of a violation*  
 17 *involving a private educational loan, 1 year from the*  
 18 *date on which the first regular payment of principal*  
 19 *is due under the loan”.*

1     ***Subtitle B—Improved Disclosures***  
 2     ***for Private Educational Loans***

3     ***SEC. 1021. PRIVATE EDUCATIONAL LOAN DISCLOSURES***  
 4     ***AND LIMITATIONS.***

5         *Section 128 of the Truth in Lending Act (15 U.S.C.*  
 6     *1638) is amended by adding at the end the following new*  
 7     *subsection:*

8         “(e) *TERMS AND DISCLOSURE WITH RESPECT TO PRI-*  
 9     *VATE EDUCATIONAL LOANS.—*

10             “(1) *DISCLOSURES REQUIRED IN PRIVATE EDU-*  
 11     *CATIONAL LOAN APPLICATIONS AND SOLICITATIONS.—*

12     *In any application for a private educational loan, or*  
 13     *a solicitation for a private educational loan without*  
 14     *requiring an application, the creditor shall disclose to*  
 15     *the borrower, clearly and conspicuously—*

16             “(A) *the potential range of rates of interest*  
 17     *applicable to the private educational loan;*

18             “(B) *whether the rate of interest applicable*  
 19     *to the private educational loan is fixed or vari-*  
 20     *able;*

21             “(C) *limitations on interest rate adjust-*  
 22     *ments, both in terms of frequency and amount,*  
 23     *or the lack thereof;*

1           “(D) requirements for a co-borrower, in-  
2           cluding any changes in the applicable interest  
3           rates without a co-borrower;

4           “(E) potential finance charges, late fees,  
5           penalties, and adjustments to principal, based on  
6           defaults or late payments of the borrower;

7           “(F) fees or range of fees applicable to the  
8           private educational loan;

9           “(G) the term of the private educational  
10          loan;

11          “(H) whether interest will accrue while the  
12          student to whom the private educational loan re-  
13          lates is enrolled at an institution of higher edu-  
14          cation;

15          “(I) payment deferral options, including  
16          whether the deferment would apply to interest or  
17          principal, or both;

18          “(J) general eligibility criteria for the pri-  
19          vate educational loan;

20          “(K) an example of the total cost of the pri-  
21          vate educational loan over the life of the loan—

22               “(i) which shall be calculated using the  
23               principal amount and the maximum rate of  
24               interest actually offered by the creditor; and



1                   “(ii) calculated both with and without  
2                   capitalization of interest, if that is an op-  
3                   tion for postponing interest payments;

4                   “(L) a statement that an institution of  
5                   higher education may have school-specific edu-  
6                   cational loan benefits and terms not detailed on  
7                   the disclosure form;

8                   “(M) that the borrower may qualify for  
9                   Federal financial assistance through a program  
10                  under title IV of the Higher Education Act of  
11                  1965, in lieu of, or in addition to, a loan from  
12                  a non-Federal source;

13                  “(N) the interest rates available with respect  
14                  to such Federal financial assistance through a  
15                  program under title IV of the Higher Education  
16                  Act of 1965;

17                  “(O) that the consumer may obtain addi-  
18                  tional information concerning such Federal fi-  
19                  nancial assistance from their institution of high-  
20                  er education or at the website of the Department  
21                  of Education;

22                  “(P) that, as provided in paragraph (6)—

23                         “(i) the borrower shall have up to 30  
24                         calendar days following the date on which  
25                         the application for the private educational

1           loan is approved and the borrower receives  
2           the disclosure documents required under this  
3           subsection for the loan to accept the terms  
4           of the private educational loan and consum-  
5           mate the transaction; and

6           “(ii) except for changes based on ad-  
7           justments to the index used for a loan, the  
8           rates and terms of the loan may not be  
9           changed by the creditor during that 30-day  
10          period; and

11          “(Q) such other information as the Board  
12          shall prescribe, by rule, as necessary or appro-  
13          priate for consumers to make informed bor-  
14          rowing decisions.

15          “(2) WRITTEN ACKNOWLEDGMENT OF RE-  
16          CEIPT.—In each case in which a disclosure is pro-  
17          vided pursuant to paragraph (1) and an application  
18          initiated, a creditor shall obtain a written acknowl-  
19          edgment from the consumer that the consumer has  
20          read and understood the disclosure.

21          “(3) DISCLOSURES AT THE TIME OF PRIVATE  
22          EDUCATIONAL LOAN APPROVAL.—Subject to the rules  
23          of the Board, contemporaneously with the approval of  
24          a private educational loan application, and before the

1        *loan transaction is consummated, the creditor shall*  
2        *disclose to the borrower, clearly and conspicuously—*

3                *“(A) the applicable rate of interest in effect*  
4                *on the date of approval;*

5                *“(B) whether the rate of interest applicable*  
6                *to the private educational loan is fixed or vari-*  
7                *able;*

8                *“(C) limitations on interest rate adjust-*  
9                *ments, both in terms of frequency and amount,*  
10               *or the lack thereof;*

11               *“(D) the initial approved principal*  
12               *amount;*

13               *“(E) applicable finance charges, late fees,*  
14               *penalties, and adjustments to principal, based*  
15               *upon borrower defaults or late payments;*

16               *“(F) the maximum term under the private*  
17               *educational loan program;*

18               *“(G) an estimate of the total amount for re-*  
19               *payment, at both the interest rate in effect on the*  
20               *date of approval and at the maximum possible*  
21               *rate of interest actually offered by the creditor,*  
22               *to the extent that such maximum rate may be*  
23               *determined, or if not, a good faith estimate there-*  
24               *of;*

1           “(H) any principal and interest payments  
2           required while the student to whom the private  
3           educational loan relates is enrolled at an institu-  
4           tion of higher education and interest which will  
5           accrue during such enrollment;

6           “(I) payment deferral options, including  
7           whether the deferment would apply to interest or  
8           principal, or both;

9           “(J) whether monthly payments are grad-  
10          uated;

11          “(K) that, as provided in paragraph (7)—

12               “(i) the borrower shall have up to 30  
13               calendar days following the date on which  
14               the application for the private educational  
15               loan is approved and the borrower receives  
16               the disclosure documents required under this  
17               subsection for the loan to accept the terms  
18               of the private educational loan and consum-  
19               mate the transaction; and

20               “(ii) except for changes based on ad-  
21               justments to the index used for a loan, the  
22               rates and terms of the loan may not be  
23               changed by the creditor during that 30-day  
24               period;

1           “(L) that the borrower may qualify for Fed-  
2           eral financial assistance through a program  
3           under title IV of the Higher Education Act of  
4           1965, in lieu of, or in addition to, a loan from  
5           a non-Federal source;

6           “(M) the interest rates available with re-  
7           spect to such Federal financial assistance  
8           through a program under title IV of the Higher  
9           Education Act of 1965;

10          “(N) the maximum monthly payment, cal-  
11          culated using the maximum rate of interest actu-  
12          ally offered by the creditor, to the extent that  
13          such maximum rate may be determined, or if  
14          not, a good faith estimate thereof; and

15          “(O) such other information as the Board  
16          shall prescribe, by rule, as necessary or appro-  
17          priate for consumers to make informed bor-  
18          rowing decisions.

19          “(4) *PROVISION OF INFORMATION.*—Before a  
20          creditor may issue any funds with respect to an ex-  
21          tension of credit described in paragraph (1) for an  
22          amount equal to more than \$1,000, the creditor shall  
23          notify the relevant institution of higher education, in  
24          writing, of the proposed extension of credit and the  
25          amount thereof.

1           “(5) *DISCLOSURES AT THE TIME OF PRIVATE*  
2           *EDUCATIONAL LOAN CONSUMMATION.*—Subject to the  
3           regulations prescribed by the Board, contempora-  
4           neously with the consummation of a private edu-  
5           cational loan, the creditor shall make each of the dis-  
6           closures described in subparagraphs (A) through (J)  
7           and (L) through (O) of paragraph (3) to the bor-  
8           rower.

9           “(6) *FORMAT OF DISCLOSURES.*—Disclosures re-  
10          quired under paragraphs (1), (3), and (5) shall ap-  
11          pear in a clearly legible, uniform format, subject to  
12          section 122(c).

13          “(7) *EFFECTIVE PERIOD OF APPROVED RATE OF*  
14          *INTEREST AND LOAN TERMS.*—

15                 “(A) *IN GENERAL.*—With respect to a pri-  
16                 vate educational loan, the borrower shall have  
17                 the right to accept the terms of the loan and con-  
18                 summate the transaction at any time within 30  
19                 calendar days following the date on which the  
20                 application for the private educational loan is  
21                 approved and the borrower receives the disclosure  
22                 documents required under this subsection for the  
23                 loan, and the rates and terms of the loan may  
24                 not be changed by the creditor during that pe-  
25                 riod, subject to the rules of the Board.

1           “(B) *PROHIBITION ON CHANGES.*—*Except*  
2           *for changes based on adjustments to the index*  
3           *used for a loan, the rates and terms of the loan*  
4           *may not be changed by the creditor prior to the*  
5           *earlier of—*

6                     “(i) *the date of acceptance of the terms*  
7                     *of the loan and consummation of the trans-*  
8                     *action by the borrower, as described in sub-*  
9                     *paragraph (A); or*

10                    “(ii) *the expiration of the 30-day pe-*  
11                    *riod referred to in subparagraph (A).*

12           “(C) *PROHIBITION ON DISBURSEMENT.*—*No*  
13           *funds may be disbursed with respect to a private*  
14           *educational loan until acceptance of the loan by*  
15           *the borrower under subparagraph (A) and the*  
16           *expiration of the 3-day period under paragraph*  
17           *(7).*

18           “(8) *RIGHT TO CANCEL.*—*With respect to a pri-*  
19           *vate educational loan, the borrower may cancel the*  
20           *loan, without penalty to the borrower, at any time*  
21           *within 3 business days of the date on which the loan*  
22           *is consummated, subject to the rules of the Board. No*  
23           *funds may be transferred to the borrower during that*  
24           *3-day period.*

1           “(9) *DEFINITIONS.*—*For purposes of this sub-*  
2           *section, the following definitions shall apply:*

3                   “(A) *INSTITUTION OF HIGHER EDU-*  
4                   *CATION.*—*The term ‘institution of higher edu-*  
5                   *cation’ has the same meaning as in section 102*  
6                   *of the Higher Education Act of 1965 (20 U.S.C.*  
7                   *1002).*

8                   “(B) *PRIVATE EDUCATIONAL LENDER.*—*The*  
9                   *term ‘private educational lender’ means any*  
10                  *creditor engaged in the business of soliciting,*  
11                  *making, or extending private educational loans.*

12                  “(C) *PRIVATE EDUCATIONAL LOAN.*—*The*  
13                  *term ‘private educational loan’—*

14                       “(i) *means a loan provided by a pri-*  
15                       *vate educational lender that—*

16                               “(I) *is not made, insured, or*  
17                               *guaranteed under part B of title IV of*  
18                               *the Higher Education Act of 1965 (20*  
19                               *U.S.C. 1070 et seq.); and*

20                               “(II) *is issued by a private edu-*  
21                               *cational lender expressly for postsec-*  
22                               *ondary educational expenses to a stu-*  
23                               *dent, or the parent of the student, re-*  
24                               *gardless of whether the loan involves*  
25                               *enrollment certification by the edu-*



1           cational institution that the student  
 2           attends, or whether the loan is pro-  
 3           vided through the educational institu-  
 4           tion that the subject student attends or  
 5           directly to the borrower from the lend-  
 6           er; and

7           “(ii) does not include an extension of  
 8           credit under an open end consumer credit  
 9           plan, a reverse mortgage transaction, a resi-  
 10          dential mortgage transaction, or any other  
 11          loan that is secured by real property or a  
 12          dwelling.”.

13 **SEC. 1022. APPLICATION OF TRUTH IN LENDING ACT TO**  
 14 **ALL PRIVATE EDUCATIONAL LOANS.**

15       Section 104(3) of the Truth in Lending Act (15 U.S.C.  
 16 1603(3)) is amended by inserting “and other than private  
 17 educational loans (as that term is defined in section  
 18 140(a))” after “consumer”.

19       **Subtitle C—Financial Literacy**

20 **SEC. 1031. COORDINATED EDUCATION EFFORTS.**

21       (a) *IN GENERAL.*—The Secretary of the Treasury (in  
 22 this section referred to as the “Secretary”), in coordination  
 23 with the Secretary of Education, the Secretary of Agri-  
 24 culture (with respect to land grant covered educational in-  
 25 stitutions), and any other appropriate agency that is a

1 *member of the Financial Literacy and Education Commis-*  
2 *sion established under the Financial Literacy and Edu-*  
3 *cation Improvement Act (20 U.S.C. 9701 et seq.), shall seek*  
4 *to enhance financial literacy among students at institutions*  
5 *of higher education through—*

6           (1) *the development of initiatives, programs, and*  
7           *curricula that improve student awareness of the short-*  
8           *and long-term costs associated with educational loans*  
9           *and other debt assumed while in college, their repay-*  
10          *ment obligations, and their rights as borrowers; and*  
11          (2) *assisting such students in navigating the fi-*  
12          *nancial aid process.*

13          (b) *DUTIES.—For purposes of this section, the Sec-*  
14          *retary, working in conjunction with the Secretary of Edu-*  
15          *cation, the Secretary of Agriculture, and the Financial Lit-*  
16          *eracy and Education Commission, shall—*

17               (1) *identify programs that promote or enhance*  
18               *financial literacy for college students, with specific*  
19               *emphasis on programs that impart the knowledge and*  
20               *ability for students to best navigate the financial aid*  
21               *process, including those that involve partnerships be-*  
22               *tween nonprofit organizations, colleges and univer-*  
23               *sities, State and local governments, and student orga-*  
24               *nizations;*

1           (2) *evaluate the effectiveness of such programs in*  
2           *terms of measured results, including positive behav-*  
3           *ioral change among college students;*

4           (3) *promote the programs identified as being the*  
5           *most effective; and*

6           (4) *encourage institutions of higher education to*  
7           *implement financial education programs for their*  
8           *students, including those that have the highest evalua-*  
9           *tions.*

10          (c) *REPORT.—*

11           (1) *IN GENERAL.—Not later than 2 years after*  
12           *the date of enactment of this title, the Financial Lit-*  
13           *eracy and Education Commission shall submit a re-*  
14           *port to Congress on the state of financial education*  
15           *among students at institutions of higher education.*

16           (2) *CONTENT.—The report required by this sub-*  
17           *section shall include a description of progress made in*  
18           *enhancing financial education with respect to student*  
19           *understanding of financial aid, including the pro-*  
20           *grams and evaluations required by this section.*

21           (3) *APPEARANCE BEFORE CONGRESS.—The Sec-*  
22           *retary shall, upon request, provide testimony before*  
23           *the Committee on Banking, Housing, and Urban Af-*  
24           *airs of the Senate concerning the report required by*  
25           *this subsection.*

1     ***Subtitle D—Study and Report on***  
2     ***Nonindividual Information***

3     ***SEC. 1041. STUDY AND REPORT ON NONINDIVIDUAL INFOR-***  
4     ***MATION.***

5         *(a) STUDY.—The Comptroller General of the United*  
6     *States (in this section referred to as the “Comptroller”) con-*  
7     *duct a study—*

8             *(1) on the impact on and benefits to borrowers*  
9     *of the inclusion of nonindividual factors, including*  
10    *cohort default rate, accreditation, and graduation*  
11    *rate at institutions of higher education, used in the*  
12    *underwriting criteria to determine the pricing of pri-*  
13    *rate educational loans;*

14            *(2) to examine whether and to what extent the*  
15    *inclusion of such nonindividual factors—*

16                 *(A) increases access to private educational*  
17     *loans for borrowers who lack credit history or re-*  
18     *sults in less favorable rates for such borrowers;*  
19     *and*

20                 *(B) impacts the types of private educational*  
21     *loan products and rates available at certain in-*  
22     *stitutions of higher education, including a com-*  
23     *parison of such impact—*

24                     *(i) on private and public institutions;*  
25     *and*

1                   (ii) on historically Black colleges and  
 2                   universities (defined for purposes of this sec-  
 3                   tion as a “part B institution”, within the  
 4                   meaning of section 322 of the Higher Edu-  
 5                   cation Act of 1965 (20 U.S.C. 1061)) and  
 6                   other colleges and universities; and

7                   (3) to assess the extent to which the use of such  
 8                   nonindividual factors in underwriting may have a  
 9                   disparate impact on the pricing of private edu-  
 10                  cational loans, based on gender, race, income level,  
 11                  and institution of higher education.

12               (b) *REPORT*.—Not later than 1 year after the date of  
 13               enactment of this title, the Comptroller shall submit a re-  
 14               port to Congress on the results of the study required by this  
 15               section.

16               ***Subtitle E—Incentives For Low-Cost***  
 17               ***Educational Loans***

18               ***SEC. 1051. CRA CREDIT FOR LOW-COST EDUCATIONAL***  
 19               ***LOANS.***

20               Section 804 of the Community Reinvestment Act of  
 21               1977 (12 U.S.C. 2903) is amended by adding at the end  
 22               the following new subsection:

23               “(d) *LOW-COST EDUCATIONAL LOANS*.—In assessing  
 24               and taking into account, under subsection (a), the record  
 25               of a financial institution, the appropriate Federal financial

1 *supervisory agency shall consider, as a factor, low-cost edu-*  
2 *cational loans provided by the financial institution to low-*  
3 *income borrowers.”.*



Union Calendar No. 305

110TH CONGRESS  
1ST Session

**H. R. 4137**

[Report No. 110-500, Part 1]

**A BILL**

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

DECEMBER 19, 2007

Reported from the Committee on Education and Labor with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

DECEMBER 19, 2007

Committees on the Judiciary, Science and Technology, and Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed