

PUBLIC LAW 111-39—JULY 1, 2009

HIGHER EDUCATION TECHNICAL
CORRECTIONS

Public Law 111–39
111th Congress

An Act

July 1, 2009
[H.R. 1777]

To make technical corrections to the Higher Education Act of 1965, and for other purposes.

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

SECTION 1. TABLE OF CONTENTS.

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SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall

be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if enacted on the date of enactment of the Higher Education Opportunity Act (Public Law 110–315).

20 USC 1001
note.

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL PROVISIONS.

(a) HIGHER EDUCATION OPPORTUNITY ACT.—

(1) GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Section 101(b) of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking “July 1, 2010” and inserting “the date of enactment of this Act”.

20 USC 1001
note.

(2) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.—Section 102(e) of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking the period at the end and inserting “, except that, with respect to foreign nursing schools that were eligible to participate in part B of title IV as of the day before the date of enactment of this Act, the amendments made by subsection (a)(1)(D) shall take effect on July 1, 2012.”

Effective date.
20 USC 1002
note.

(b) HIGHER EDUCATION ACT OF 1965.—Title I (20 U.S.C. 1001 et seq.) is amended—

(1) in section 102(a)(2)(D) (20 U.S.C. 1002(a)(2)(D)), by striking “under part B” and inserting “under part B of title IV”;

(2) in section 111(b) (20 U.S.C. 1011(b)), by striking “With” and inserting “with”;

(3) in section 131(a)(3)(A)(iii)(I) (20 U.S.C. 1015(a)(3)(A)(iii)(I)), by striking “section 428(a)(2)(C)(i)” and inserting “section 428(a)(2)(C)(ii)”;

(4) in section 136(d)(1) (20 U.S.C. 1015e(d)(1)), by striking “(Family Educational Rights and Privacy Act of 1974)” and inserting “(commonly known as the ‘Family Educational Rights and Privacy Act of 1974’)”;

(5) in section 141 (20 U.S.C. 1018)—

(A) in the matter preceding subparagraph (A) of subsection (c)(3), by striking “under this title” and inserting “under title IV”; and

(B) in subsection (d)(3), by striking “appropriate committees of Congress” and inserting “authorizing committees”;

(6) in section 153(a)(1)(B)(iii)(V) (20 U.S.C. 1019b(a)(1)(B)(iii)(V)), by striking “borrowers who take out loans under” each place the term appears and inserting “borrowers of loans made under”; and

(7) in section 155(a) (20 U.S.C. 1019d(a)), by striking paragraph (4) and inserting the following:

“(4) include a place to provide information on—

“(A) the applicant’s cost of attendance at the institution of higher education, as determined by the institution under part F of title IV;

“(B) the applicant’s estimated financial assistance, including amounts of financial assistance used to replace the expected family contribution, as determined by the institution, in accordance with title IV, for students who have completed the Free Application for Federal Student Aid; and

“(C) the difference between the amounts under subparagraphs (A) and (B), as applicable; and”.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY ENHANCEMENT.

Title II (20 U.S.C. 1021 et seq.) is amended—

(1) in section 200(22) (20 U.S.C. 1021(22)), by striking subparagraph (D) and inserting the following:

“(D) prior to completion of the program—

“(i) attains full State certification or licensure and becomes highly qualified; and

“(ii) acquires a master’s degree not later than 18 months after beginning the program.”;

(2) in section 202 (20 U.S.C. 1022a)—

(A) in subsection (b)(6)(E)(ii), by striking “section 1111(b)(2)” and inserting “section 1111(b)(1)”;

(B) in subsection (c)(1), by striking “pre-baccalaureate”;

(C) in subsection (d)—

(i) in the heading, by striking “PRE-BACCA-
LAUREATE” and inserting “THE”; and

(ii) in the matter preceding paragraph (1), by striking “An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:” and inserting “An eligible partnership that receives a grant to carry out a program for the preparation of teachers shall carry out an effective pre-baccalaureate teacher preparation program or a 5th year initial licensing program that includes all of the following:”;

(D) in subsection (e)(2)—

(i) in subparagraph (A)(ii), by striking “to earn” and inserting “leading to”; and

(ii) in subparagraph (C)—

(I) in clause (i), by striking “one-year” before “teaching residency program”; and

(II) in clause (iii)(I), by striking “one-year”; and

(E) in subsection (i)(3), by striking “consent of” and inserting “consent to”; and

(3) in section 231(a)(1) (20 U.S.C. 1032(a)(1)), by striking “serve graduate” and inserting “assist in the graduation of”.

TITLE III—INSTITUTIONAL AID

SEC. 301. INSTITUTIONAL AID.

Title III (20 U.S.C. 1051 et seq.) is amended—

(1) in section 316 (20 U.S.C. 1059c)—

(A) in subsection (a), by striking “Indian Tribal” and inserting “Tribal”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “the Tribally Controlled College or University Assistance Act of 1978” and inserting “the Tribally Controlled Colleges and Universities Assistance Act of 1978”;

(ii) in paragraph (2), by striking “the Tribally Controlled College or University Assistance Act of 1978” and inserting “the Tribally Controlled Colleges and Universities Assistance Act of 1978”; and

(iii) in paragraph (3)(A), by striking “the Navajo Community College Assistance Act of 1978” and inserting “the Navajo Community College Act”;

(2) in section 318(b)(1) (20 U.S.C. 1059e(b)(1)), by striking subparagraph (F) and inserting the following:

“(F) is not receiving assistance under—

“(i) part B;

“(ii) part A of title V; or

“(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).”;

(3) in section 323(a) (20 U.S.C. 1062(a)), in the matter preceding paragraph (1), by striking “in any fiscal year” and inserting “for any fiscal year.”;

(4) in section 324(d) (20 U.S.C. 1063(d))—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking “Notwithstanding subsections (a)” and inserting “(1) Notwithstanding subsections (a)”;

(C) by adding at the end the following:

“(2) If the amount appropriated pursuant to section 399(a)(2)(A) for any fiscal year is not sufficient to pay the minimum allotment required by paragraph (1) to all part B institutions, the amount of such minimum allotments shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocations shall be increased on the same basis as the basis on which they were reduced (until the amount allotted equals the minimum allotment required by paragraph (1)).”;

(5) in section 351(a) (20 U.S.C. 1067a(a))—

(A) by striking “section 304(a)(1)” and inserting “section 303(a)(1)”;

(B) by striking “of 1979”;

(6) in section 355(a) (20 U.S.C. 1067e(a)), by striking “302” and inserting “312”;

(7) in section 371(c) (20 U.S.C. 1067q(c))—

(A) in paragraph (3)(D), by striking “402A(g)” and inserting “402A(h)”;

(B) in paragraph (4), by striking “402A(g)” and inserting “402A(h)”;

(C) in paragraph (9)—

(i) in subparagraph (C)(iii), by striking “402A(g)” and inserting “402A(h)”;

(ii) by amending subparagraph (F) to read as follows:

“(F) is not receiving assistance under—

- “(i) part B;
- “(ii) part A of title V; or
- “(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).”; and
- (8) in section 392(a)(6) (20 U.S.C. 1068a(a)(6)), by striking “College or University” and inserting “Colleges and Universities”.

SEC. 302. MULTIAGENCY STUDY OF MINORITY SCIENCE PROGRAMS.

Section 1024 (20 U.S.C. 1067d) is repealed.

TITLE IV—STUDENT ASSISTANCE

SEC. 401. GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION.

(a) **AMENDMENTS.**—Part A of title IV (20 U.S.C. 1070 et seq.) is amended—

(1) in section 400(b) (20 U.S.C. 1070(b)), by striking “1 through 8” and inserting “1 through 9”;

(2) in section 401 (20 U.S.C. 1070a)—

(A) in the second sentence of subsection (a)(1), by striking “manner,,” and inserting “manner,”;

(B) in subsection (b)(1), by striking “section 401” and inserting “this section”; and

(C) in subsection (b)(9)(A)—

(i) in clause (vi), by striking “\$105,000,000” and inserting “\$258,000,000”; and

(ii) in clause (viii), by striking “\$4,400,000,000” and inserting “\$4,452,000,000”;

(3) by striking paragraph (4) of section 401(f) (20 U.S.C. 1070a(f)), as added by section 401(c) of the Higher Education Opportunity Act (Public Law 110-315);

(4) in section 402A (20 U.S.C. 1070a-11)—

(A) in subsection (b)(1), by striking “organizations including” and inserting “organizations, including”; and

(B) in subsection (c)(8)(C)(iv)(I), by inserting “to be” after “determined”;

(5) in section 402E(d)(2)(C) (20 U.S.C. 1070a-15(d)(2)(C)), by striking “320.” and inserting “320”;

(6) in section 415E(b)(1)(B) (20 U.S.C. 1070c-3a(b)(1)(B))—

(A) in clause (i), by striking “If a” and inserting “Except as provided in clause (ii), if a”;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) (as amended by subparagraph (A)) the following:

“(ii) **SPECIAL CONTINUATION AND TRANSITION RULE.**—If a State that applied for and received an allotment under this section for fiscal year 2010 pursuant to subsection (j) meets the specifications established in the State’s application under subsection (c) for fiscal year 2011, then the Secretary shall make an allotment to such State for fiscal year 2011 that is not less than the allotment made pursuant to subsection (j) to such State for fiscal year 2010 under this section (as this section was in effect on the day

before the date of enactment of the Higher Education Opportunity Act (Public Law 110-315).”;

(7) in section 419C(b)(1) (20 U.S.C. 1070d-33(b)(1)), by inserting “and” after the semicolon at the end;

(8) in section 419D(d) (20 U.S.C. 1070d-34(d)), by striking “1134” and inserting “134”; and

(9) by adding at the end the following:

“Subpart 10—Scholarships for Veteran’s Dependents

“SEC. 420R. SCHOLARSHIPS FOR VETERAN’S DEPENDENTS.

20 USC 1070h
note.

“(a) DEFINITION OF ELIGIBLE VETERAN’S DEPENDENT.—The term ‘eligible veteran’s dependent’ means a dependent or an independent student—

“(1) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

“(2) who, at the time of the parent or guardian’s death, was—

“(A) less than 24 years of age; or

“(B) enrolled at an institution of higher education on a part-time or full-time basis.

“(b) GRANTS.—

“(1) IN GENERAL.—The Secretary shall award a grant to each eligible veteran’s dependent to assist in paying the eligible veteran’s dependent’s cost of attendance at an institution of higher education.

“(2) DESIGNATION.—Grants made under this section shall be known as ‘Iraq and Afghanistan Service Grants’.

“(c) PREVENTION OF DOUBLE BENEFITS.—No eligible veteran’s dependent may receive a grant under both this section and section 401.

“(d) TERMS AND CONDITIONS.—The Secretary shall award grants under this section in the same manner, and with the same terms and conditions, including the length of the period of eligibility, as the Secretary awards Federal Pell Grants under section 401, except that—

“(1) the award rules and determination of need applicable to the calculation of Federal Pell Grants, shall not apply to grants made under this section;

“(2) the provisions of subsection (a)(3), subsection (b)(1), the matter following subsection (b)(2)(A)(v), subsection (b)(3), and subsection (f), of section 401 shall not apply; and

“(3) a grant made under this section to an eligible veteran’s dependent for any award year shall equal the maximum Federal Pell Grant available for that award year, except that such a grant under this section—

“(A) shall not exceed the cost of attendance of the eligible veteran’s dependent for that award year; and

“(B) shall be adjusted to reflect the attendance by the eligible veteran’s dependent on a less than full-time basis in the same manner as such adjustments are made under section 401.

“(e) ESTIMATED FINANCIAL ASSISTANCE.—For purposes of determinations of need under part F, a grant awarded under this section

shall not be treated as estimated financial assistance as described in sections 471(3) and 480(j).

“(f) AUTHORIZATION AND APPROPRIATIONS OF FUNDS.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Secretary to carry out this section, such sums as may be necessary for fiscal year 2010 and each succeeding fiscal year.”.

20 USC 1070h
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(9) shall take effect on July 1, 2010.

20 USC
1070a-25 note.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 404 of the Higher Education Opportunity Act (Public Law 110-315) is amended by adding at the end the following new subsection:

Applicability.

“(i) EFFECTIVE DATE; TRANSITION.—

“(1) IN GENERAL.—The amendments made by subsection (e) shall apply to grants made under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-21 et seq.) on or after the date of enactment of this Act, except that a recipient of a grant under such chapter that is made prior to such date may elect to apply the requirements contained in the amendments made by subsection (e) to that grant if the grant recipient informs the Secretary of the election.

“(2) SPECIAL RULE.—A grant recipient may make the election described in paragraph (1) only if the election does not decrease the amount of the scholarship promised to an individual student under the grant.”.

SEC. 402. FEDERAL FAMILY EDUCATION LOAN PROGRAM.

(a) AMENDMENT TO PROVISION AMENDED BY THE COLLEGE COST REDUCTION AND ACCESS ACT.—

Applicability.
20 USC 1078
note.

(1) IN GENERAL.—Section 428(b)(1)(G)(i) (20 U.S.C. 1078(b)(1)(G)(i)), as amended by section 303 of the College Cost Reduction and Access Act (Public Law 110-84), is amended by striking “or 439(q)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendment in section 303(a) of the College Cost Reduction and Access Act (Public Law 110-84), shall take effect on October 1, 2012, and shall apply with respect to loans made on or after such date.

(b) ENTRANCE COUNSELING FUNCTIONS.—

(1) GUARANTY AGENCIES.—Section 428(b)(3) (20 U.S.C. 1078(b)(3)) is amended—

(A) in subparagraph (C), by inserting “or 485(l)” after “section 485(b)”; and

(B) in subparagraph (D), by inserting “or 485(l)” after “section 485(b)”.

(2) ELIGIBLE LENDERS.—Section 435(d)(5) (20 U.S.C. 1085(d)(5)) is amended—

(A) in subparagraph (E), by inserting “or 485(l)” after “section 485(b)”; and

(B) in subparagraph (F), by inserting “or 485(l)” after “section 485(b)”.

(c) AMENDMENT TO PROVISION AMENDED BY THE HIGHER EDUCATION OPPORTUNITY ACT.—

(1) IN GENERAL.—Section 428C(c)(3)(A) (20 U.S.C. 1078-3(c)(3)(A)), as amended by section 425 of the Higher Education

Opportunity Act (Public Law 110-315), is amended by striking “section 493C” and inserting “section 493C,”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendments in section 425(d)(1) of the Higher Education Opportunity Act (Public Law 110-315), and shall take effect on July 1, 2009. 20 USC 1078-3 note.

(d) REHABILITATION OF STUDENT LOANS.—

(1) Section 428F (20 U.S.C. 1078-6) is amended—

(A) in subsection (a)—

(i) by amending paragraph (1) to read as follows:

“(1) SALE OR ASSIGNMENT OF LOAN.—

“(A) IN GENERAL.—Each guaranty agency, upon securing 9 payments made within 20 days of the due date during 10 consecutive months of amounts owed on a loan for which the Secretary has made a payment under paragraph (1) of section 428(c), shall—

“(i) if practicable, sell the loan to an eligible lender;

or

“(ii) on or before September 30, 2011, assign the loan to the Secretary if— Deadline.

“(I) the Secretary has determined that market conditions unduly limit a guaranty agency’s ability to sell loans under clause (i); and

“(II) the guaranty agency has been unable to sell loans under clause (i).

“(B) MONTHLY PAYMENTS.—Neither the guaranty agency nor the Secretary shall demand from a borrower as monthly payment amounts described in subparagraph (A) more than is reasonable and affordable based on the borrower’s total financial circumstances.

“(C) CONSUMER REPORTING AGENCIES.—Upon the sale or assignment of the loan, the Secretary, guaranty agency or other holder of the loan shall request any consumer reporting agency to which the Secretary, guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of the default from the borrower’s credit history.

“(D) DUTIES UPON SALE.—With respect to a loan sold under subparagraph (A)(i)—

“(i) the guaranty agency—

“(I) shall repay the Secretary 81.5 percent of the amount of the principal balance outstanding at the time of such sale, multiplied by the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the loan; and

“(II) may, in order to defray collection costs—

“(aa) charge to the borrower an amount not to exceed 18.5 percent of the outstanding principal and interest at the time of the loan sale; and

“(bb) retain such amount from the proceeds of the loan sale; and

“(ii) the Secretary shall reinstate the Secretary’s obligation to—

“(I) reimburse the guaranty agency for the amount that the agency may, in the future, expend

to discharge the guaranty agency's insurance obligation; and

“(II) pay to the holder of such loan a special allowance pursuant to section 438.

“(E) DUTIES UPON ASSIGNMENT.—With respect to a loan assigned under subparagraph (A)(ii)—

“(i) the guaranty agency shall add to the principal and interest outstanding at the time of the assignment of such loan an amount equal to the amount described in subparagraph (D)(i)(II)(aa); and

“(ii) the Secretary shall pay the guaranty agency, for deposit in the agency's Operating Fund established pursuant to section 422B, an amount equal to the amount added to the principal and interest outstanding at the time of the assignment in accordance with clause (i).

“(F) ELIGIBLE LENDER LIMITATION.—A loan shall not be sold to an eligible lender under subparagraph (A)(i) if such lender has been found by the guaranty agency or the Secretary to have substantially failed to exercise the due diligence required of lenders under this part.

“(G) DEFAULT DUE TO ERROR.—A loan that does not meet the requirements of subparagraph (A) may also be eligible for sale or assignment under this paragraph upon a determination that the loan was in default due to clerical or data processing error and would not, in the absence of such error, be in a delinquent status.”;

(ii) in paragraph (2)—

(I) by striking “paragraph (1) of this subsection” and inserting “paragraph (1)(A)(i)”; and

(II) by striking “paragraph (1)(B)(ii) of this subsection” and inserting “paragraph (1)(D)(ii)(I)”; (iii) in paragraph (3)—

(I) by striking “sold under paragraph (2)” and inserting “sold or assigned under paragraph (1)(A)”; and

(II) by striking “sale.” and inserting “sale or assignment.”;

(iv) in paragraph (4), by striking “which is sold under paragraph (1) of this subsection” and inserting “that is sold or assigned under paragraph (1)”; and

(v) in paragraph (5), by inserting “(whether by loan sale or assignment)” after “rehabilitating a loan”; and

(B) in subsection (b), in the first sentence, by inserting “or assigned to the Secretary” after “sold to an eligible lender”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective on the date of enactment of this Act, and shall apply to any loan on which monthly payments described in section 428F(a)(1)(A) were paid before, on, or after such date of enactment.

(e) REPAYMENT IN FULL FOR DEATH AND DISABILITY.—

(1) IN GENERAL.—Section 437(a)(1) (20 U.S.C. 1087(a)(1)), as amended by section 437 of the Higher Education Opportunity Act (Public Law 110-315), is amended—

(A) in the matter preceding subparagraph (A), by striking “Secretary),, or if” and inserting “Secretary), or if”; and

(B) in subparagraph (B), by inserting “the reinstatement and resumption to be” after “determines”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if enacted as part of the amendments in section 437(a) of the Higher Education Opportunity Act (Public Law 110-315), and shall take effect on July 1, 2010.

20 USC 1087
note.

(f) OTHER AMENDMENTS.—Part B of title IV (20 U.S.C. 1071 et seq.) is further amended—

(1) in section 428 (20 U.S.C. 1078)—

(A) in subsection (a)(2)(A)(i)(II), by striking “and” after the semicolon at the end;

(B) in subsection (b)—

(i) in the matter following subclause (II) of paragraph (1)(M)(i), by inserting “section” before “428B”;

(ii) in paragraph (3)(A)(i), by striking “any institution of higher education or the employees of an institution of higher education” and inserting “any institution of higher education, any employee of an institution of higher education, or any individual or entity”;

(iii) in paragraph (4), by striking “For the purpose of paragraph (1)(M)(i)(III) of this subsection,” and inserting “With respect to the graduate fellowship program referred to in paragraph (1)(M)(i)(II),”; and

(iv) in paragraph (7)—

(I) in subparagraph (B), by striking “clause (i) or (ii) of”; and

(II) in subparagraph (D), by striking “subparagraph (A)(i)” and inserting “subparagraph (A)”; and

(C) in subsection (c)(9)(K), by striking “3 months” and inserting “6 months”;

(2) in section 428B(e) (20 U.S.C. 1078-2(e))—

(A) in paragraph (3)(B), by striking “subsection (c)(5)(B)” and inserting “subsection (d)(5)(B)”; and

(B) by repealing paragraph (5);

(3) in section 428C (20 U.S.C. 1078-3)—

(A) in subsection (a)(4)(E), by striking “subpart II of part B” and inserting “part E”;

(B) in the matter preceding clause (i) of subsection (c)(2)(A)—

(i) by striking “subsection (b)(2)(F)” and inserting “subsection (b)(2)”; and

(ii) by inserting a comma after “graduated”;

(C) in subsection (d)(3)(D), by striking “loan insurance fund” and inserting “loan insurance account”; and

(D) in subsection (f)(3), by striking “subsection (a)” and inserting “this subsection”;

(4) in section 428G(c) (20 U.S.C. 1078-7(c))—

(A) in paragraph (1), by striking “section 428(a)(2)(A)(i)(III)” and inserting “section 428(a)(2)(A)(i)(II)”; and

(B) by striking paragraph (3) and inserting the following:

“(3) notwithstanding subsection (a)(2), may, with the permission of the borrower, be disbursed by the lender on

a weekly or monthly basis, provided that the proceeds of the loan are disbursed by the lender in substantially equal weekly or monthly installments, as the case may be, over the period of enrollment for which the loan is made.”;

(5) in section 428H (20 U.S.C. 1078-8)—

(A) in subsection (d), by amending the text of the header of paragraph (2) to read as follows: “LIMITS FOR GRADUATE, PROFESSIONAL, AND INDEPENDENT POSTBACCALAUREATE STUDENTS”; and

(B) in subsection (e), by amending paragraph (6) to read as follows:

“(6) REPAYMENT PERIOD.—For purposes of calculating the repayment period under section 428(b)(9), such period shall commence at the time the first payment of principal is due from the borrower.”;

(6) in section 428J (20 U.S.C. 1078-10)—

(A) in subsection (c)(1), by adding at the end the following: “No borrower may receive a reduction of loan obligations under both this section and section 460.”; and

(B) in subsection (g)(2)—

(i) in subparagraph (B), by inserting “or” after the semicolon at the end;

(ii) by striking subparagraph (C);

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(iv) in subparagraph (C), as redesignated by clause (iii), by striking “12571” and inserting “12601”;

(7) in section 428K(g)(9)(B) (20 U.S.C. 1078-11(g)(9)(B)), by striking “under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3))” and inserting “under subsection (ll)(4) of such section (42 U.S.C. 1395x(ll)(4))”;

(8) in section 430A(f) (20 U.S.C. 1080a(f))—

(A) by striking “and (6)” and inserting “and (5)”;

(B) by striking “(a)(6)” and inserting “(a)(5)”;

(9) in section 432 (20 U.S.C. 1082)—

(A) in subsection (b), by striking “section 1078 of this title” and inserting “section 428”; and

(B) in subsection (m)(1)(B)—

(i) in clause (i), by inserting “and” after the semicolon at the end; and

(ii) in clause (ii), by striking “; and” and inserting a period;

(10) in section 435 (20 U.S.C. 1085)—

(A) in subsection (a)(2)(C)(ii), by striking “a tribally controlled community college within the meaning of section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978” and inserting “a tribally controlled college or university, as defined in section 2(a)(4) of the Tribally Controlled Colleges and Universities Assistance Act of 1978”;

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(ii)(III), by striking “section 501(1) of such Code” and inserting “section 501(a) of such Code”; and

- (II) in subparagraph (G), by striking “sections 428A(d), 428B(d), and 428C,” and inserting “sections 428B(d) and 428C,”;
- (ii) in paragraph (2)(A)(vi), by striking “section 435(m)” and inserting “subsection (m)”;
- (iii) in paragraph (3), by striking “section 435(m)” and inserting “subsection (m)”;
- (iv) in paragraph (5)(A), by striking “to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part” and inserting “to any institution of higher education, any employee of an institution of higher education, or any individual or entity in order to secure applicants for loans under this part”;
- (C) in subsection (o)(1)(A)(ii), by striking “Service” and inserting “Services”; and
- (D) in subsection (p)(1), by striking “section 771” and inserting “section 781”; and
- (11) in section 438(b)(2) (20 U.S.C. 1087-1(b)(2))—
 - (A) in the second sentence of subparagraph (A), by striking “427A(f)” and inserting “427A(i)”;
 - (B) in the first sentence of subparagraph (B)(i), by striking “1954” and inserting “1986”; and
 - (C) in the second sentence of subparagraph (F), by striking “427A(f)” and inserting “427A(i)”.

SEC. 403. FEDERAL WORK-STUDY PROGRAMS.

Section 443 (42 U.S.C. 2753) is amended—

- (1) in subsection (b)(2), by striking “section 443” and inserting “this section”;
- (2) in subsection (d)(1), by striking “subsection (b)(2)(B)” and inserting “subsection (b)(2)(A)”;
- (3) in subsection (e)(1), in the matter preceding subparagraph (A), by striking “in accordance with such subsection”.

SEC. 404. FEDERAL DIRECT LOAN PROGRAM.

(a) TEMPORARY AUTHORITY TO PURCHASE LOANS.—Section 459A (20 U.S.C. 1087i-1) is amended—

- (1) in subsection (a)—
 - (A) in paragraph (2), in the matter preceding subparagraph (A), by striking “purchase of loans under this section” and inserting “purchase of loans under paragraph (1)”;
 - and
 - (B) by inserting after paragraph (2) the following new paragraph:

“(3) TEMPORARY AUTHORITY TO PURCHASE REHABILITATED LOANS.—

“(A) AUTHORITY.—In addition to the authority described in paragraph (1), the Secretary, in consultation with the Secretary of the Treasury, is authorized to purchase, or enter into forward commitments to purchase, from any eligible lender (as defined in section 435(d)(1)), loans that such lender purchased under section 428F on or after October 1, 2003, and before July 1, 2010, and that are not in default, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interest of the United States, except that any

Time period.

purchase under this paragraph shall not result in any net cost to the Federal Government (including the cost of servicing the loans purchased), as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.

“(B) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget shall jointly publish a notice in the Federal Register prior to any purchase of loans under this paragraph that—

“(i) establishes the terms and conditions governing the purchases authorized by this paragraph;

“(ii) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget will jointly consider in evaluating the price at which to purchase loans rehabilitated pursuant to section 428F(a); and

“(iii) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).”; and

(2) by amending subsection (b) to read as follows:

“(b) PROCEEDS.—The Secretary shall require, as a condition of any purchase under subsection (a), that the funds paid by the Secretary to any eligible lender under this section be used—

“(1) to ensure continued participation of such lender in the Federal student loan programs authorized under part B of this title; and

“(2)(A) in the case of loans purchased pursuant to subsection (a)(1), to originate new Federal loans to students, as authorized under part B of this title; or

“(B) in the case of loans purchased pursuant to subsection (a)(3), to originate such new Federal loans to students, or to purchase loans in accordance with section 428F(a).”.

(b) OTHER AMENDMENTS.—Part D of title IV (20 U.S.C. 1087a et seq.) is amended—

(1) by repealing paragraph (3) of section 453(c) (20 U.S.C. 1087c(c));

(2) in section 455 (20 U.S.C. 1087e)—

(A) in subsection (d)(1)(C), by striking “428(b)(9)(A)(v)” and inserting “428(b)(9)(A)(iv)”;

(B) in subsection (h), by striking “(except as authorized under section 457(a)(1))”; and

(C) in subsection (k)(1)(B), by striking “, or in a notice under section 457(a)(1).”;

(3) by repealing section 457 (20 U.S.C. 1087g); and

(4) in section 460 (20 U.S.C. 1087j)—

(A) in subsection (c)(1), by adding at the end the following: “No borrower may receive a reduction of loan obligations under both this section and section 428J.”; and

(B) in subsection (g)(2)—

(i) by striking subparagraph (A);

- (ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and
- (iii) in subparagraph (C), as redesignated by clause (ii), by striking “12571” and inserting “12601”.

SEC. 405. FEDERAL PERKINS LOANS.

Part E of title IV (20 U.S.C. 1087aa et seq.) is amended—

(1) in section 462(a)(1) (20 U.S.C. 1087bb(a)(1)), by striking subparagraph (A) and inserting the following:

“(A) 100 percent of the amount received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year), multiplied by”;

(2) in section 463(c) (20 U.S.C. 1087cc(c))—

(A) in paragraph (2)—

(i) by moving the margins of subparagraph (A) 2 ems to the left; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) information concerning the repayment and collection of any such loan, including information concerning the status of such loan; and”;

(B) in paragraph (3)—

(i) by striking “and (6)” and inserting “and (5)”;

and

(ii) by striking “(a)(6)” and inserting “(a)(5)”;

(3) in the first sentence of the matter preceding paragraph (1) of section 463A(a) (20 U.S.C. 1087cc-1(a)), by striking “, in order to carry out the provisions of section 463(a)(8),”;

(4) in section 464 (20 U.S.C. 1087dd)—

(A) in subsection (c)—

(i) in paragraph (1)(D)—

(I) by striking “(I)” and inserting “(i)”;

(II) by striking “(II)” and inserting “(ii)”;

(ii) in paragraph (2)(A)(iii)—

(I) by aligning the margin of the matter preceding subclause (I) with the margins of clause (ii);

(II) by aligning the margins of subclauses (I) and (II) with the margins of clause (i)(I); and

(III) by aligning the margins of the matter following subclause (II) with the margins of the matter following subclause (II) of clause (i); and

(B) in subsection (g)(5), by striking “credit bureaus” and inserting “consumer reporting agencies”;

(5) in section 465(a)(6) (20 U.S.C. 1087ee(a)(6)), by striking “12571” and inserting “12601”;

(6) in section 467(b) (20 U.S.C. 1087gg(b)), by striking “paragraph (5)(A), (5)(B)(i), or (6)” and inserting “paragraph (4) or (5)”;

(7) in section 469(c) (20 U.S.C. 1087ii(c)), by striking “and the term” and all that follows through the period at the end and inserting “and the term ‘early intervention services’ has the meaning given the term in section 632 of such Act.”.

SEC. 406. NEED ANALYSIS.

(a) **AMENDMENTS.**—Part F of title IV (20 U.S.C. 1087kk et seq.) is amended—

(1) in section 473 (20 U.S.C. 1087mm)—

(A) by striking “For the purpose of this title, except subpart 2 of part A,” and inserting “(a) **IN GENERAL.**—For the purpose of this title, other than subpart 2 of part A, and except as provided in subsection (b),”; and

(B) by adding at the end the following:

“(b) **SPECIAL RULE.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this title, the family contribution of each student described in paragraph (2) shall be deemed to be zero for the academic year for which the determination is made.

“(2) **APPLICABILITY.**—Paragraph (1) shall apply to any dependent or independent student with respect to determinations of need for academic year 2009–2010 and succeeding academic years—

“(A) who is eligible to receive a Federal Pell Grant for the academic year for which the determination is made;

“(B) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

“(C) who, at the time of the parent or guardian’s death, was—

“(i) less than 24 years of age; or

“(ii) enrolled at an institution of higher education on a part-time or full-time basis.

“(3) **INFORMATION.**—Notwithstanding any other provision of law, the Secretary of Veterans Affairs and the Secretary of Defense, as appropriate, shall provide the Secretary of Education with information necessary to determine which students meet the requirements of paragraph (2).”;

(2) in section 475(c)(5)(B) (20 U.S.C. 1087oo(c)(5)(B)), by inserting “of 1986” after “Code”;

(3) in section 477(b)(5)(B) (20 U.S.C. 1087qq(b)(5)(B)), by inserting “of 1986” after “Code”;

(4) in section 479 (20 U.S.C. 1087ss)—

(A) in subsection (b) (as amended by section 602 of the College Cost Reduction and Access Act (Public Law 110–84))—

(i) in paragraph (1)(A)(i), by amending subclause (III) to read as follows:

“(III) include at least one parent who is a dislocated worker; or”; and

(ii) in paragraph (1)(B)(i), by amending subclause (III) to read as follows:

“(III) is a dislocated worker or has a spouse who is a dislocated worker; or”; and

(B) in subsection (c) (as amended by such section 602)—

(i) in paragraph (1)(A), by amending clause (iii)

to read as follows:

“(iii) include at least one parent who is a dislocated worker; or”; and

(ii) in paragraph (2)(A), by amending clause (iii) to read as follows:

“(iii) is a dislocated worker or has a spouse who is a dislocated worker; or”;

(5) in section 479C (20 U.S.C. 1087uu-1)—

(A) in paragraph (1), by striking “under” and all that follows through “; and” and inserting “under Public Law 98-64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the ‘Per Capita Act’) or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and”;

(B) in paragraph (2)—

(i) by striking “Alaskan” and inserting “Alaska”;

(ii) by inserting “(43 U.S.C. 1601 et seq.)” before “or the”; and

(iii) by inserting “of 1980 (25 U.S.C. 1721 et seq.)” after “Maine Indian Claims Settlement Act”;

(6) in section 480(a)(2) (20 U.S.C. 1087vv(a)(2)), by striking “12571” and inserting “12511”;

(7) in section 480(c)(2) (20 U.S.C. 1087vv(c)(2))—

(A) in the matter preceding subparagraph (A), by striking “the following” and inserting “benefits under the following provisions of law”; and

(B) by striking subparagraphs (A) through (J) and inserting the following:

“(A) Chapter 103 of title 10, United States Code (Senior Reserve Officers’ Training Corps).

“(B) Chapter 106A of title 10, United States Code (Educational Assistance for Persons Enlisting for Active Duty).

“(C) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(D) Chapter 1607 of title 10, United States Code (Educational Assistance Program for Reserve Component Members Supporting Contingency Operations and Certain Other Operations).

“(E) Chapter 30 of title 38, United States Code (All-Volunteer Force Educational Assistance Program, also known as the ‘Montgomery GI Bill—active duty’).

“(F) Chapter 31 of title 38, United States Code (Training and Rehabilitation for Veterans with Service-Connected Disabilities).

“(G) Chapter 32 of title 38, United States Code (Post-Vietnam Era Veterans’ Educational Assistance Program).

“(H) Chapter 33 of title 38, United States Code (Post-9/11 Educational Assistance).

“(I) Chapter 35 of title 38, United States Code (Survivors’ and Dependents’ Educational Assistance Program).

“(J) Section 903 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) (Educational Assistance Pilot Program).

“(K) Section 156(b) of the ‘Joint Resolution making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes’ (42 U.S.C. 402 note) (Restored Entitlement Program for Survivors, also known as ‘Quayle benefits’).

“(L) The provisions of chapter 3 of title 37, United States Code, related to subsistence allowances for members of the Reserve Officers Training Corps.”; and

(8) in section 480(j)(1) (20 U.S.C. 1087vv(j)(1)), by striking “12571” and inserting “12511”.

20 USC 1087mm
note.

(b) EFFECTIVE DATE.—The amendments made by—

(1) paragraph (1) of subsection (a) shall take effect on July 1, 2009; and

(2) paragraph (4) of such subsection shall be effective as if enacted as part of the amendments in section 602(a) of the College Cost Reduction and Access Act (Public Law 110-84), and shall take effect on July 1, 2009.

20 USC 1087vv
note.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 473(f) of the Higher Education Opportunity Act (Public Law 110-315) is amended by inserting “, except that the amendments made in subsection (e) shall take effect on July 1, 2009” before the period at the end.

SEC. 407. GENERAL PROVISIONS OF TITLE IV.

20 USC 1090
note.

(a) DELAYED IMPLEMENTATION OF EZ FAFSA.—Notwithstanding any other provision of law, the Secretary of Education shall be required to carry out the requirements under the following provisions of section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) only for academic year 2010–2011 and subsequent academic years:

(1) In subsection (a) of such section—

(A) subparagraphs (A)(i) and (B) of paragraph (2);

(B) in paragraph (3)—

(i) the second sentence of subparagraph (A);

(ii) clauses (i) and (ii) of subparagraph (B); and

(iii) subparagraph (C);

(C) paragraph (4)(A)(iv); and

(D) paragraph (5)(E).

(2) Subsection (h) of such section.

(b) OTHER AMENDMENTS.—Part G of title IV (20 U.S.C. 1088 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 481(c) (20 U.S.C. 1088(c)), by striking “or any State, or private, profit or nonprofit organization” and inserting “any State, or any private, for-profit or nonprofit organization,”;

(2) in section 482(b) (20 U.S.C. 1089(b)), by striking “413D(e), 442(e), or 462(j)” and inserting “413D(d), 442(d), or 462(i)”;

(3) in section 483 (20 U.S.C. 1090)—

(A) in subsection (a)(3)(C), by inserting “that” after “except”; and

(B) in subsection (e)(8)(A), by striking “identify” and inserting “determine”;

(4) in section 484 (20 U.S.C. 1091)—

(A) in the matter preceding subparagraph (A) of subsection (a)(4), by striking “certification,,” and inserting “certification,”;

(B) in subsection (b)(1)(B)—

(i) by striking “have (A)” and inserting “have (i)”; and

(ii) by striking “and (B)” and inserting “and (ii)”;

(C) in subsection (f)(1), by striking “part B” and all that follows through “part E” in each place that the phrase occurs and inserting “part B, part D, or part E”;

(D) in subsection (h)—

- (i) in paragraph (2), by striking “(h)(4)(A)(i)” and inserting “(g)(4)(A)(i)”; and
- (ii) in paragraph (3), by striking “(h)(4)(B)(i)” and inserting “(g)(4)(B)(i)”; and
- (E) in subsection (n), by striking “section 1113 of Public Law 97-252” and inserting “section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f))”;
- (5) in section 485 (20 U.S.C. 1092)—
 - (A) in subsection (a)—
 - (i) in paragraph (1)—
 - (I) the matter preceding subparagraph (A), by striking “also referred to as the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”; and
 - (II) in subparagraph (I), by striking “handicapped students” and inserting “students with disabilities”;
 - (ii) in paragraph (4)(B), by inserting “during which” after “time period”; and
 - (iii) in the matter preceding subclause (I) of paragraph (7)(B)(iv), by inserting “education” after “higher”;
 - (B) in subsection (e)(3)(B), by inserting “during which” after “time period”;
 - (C) in subsection (f)—
 - (i) in the matter preceding subparagraph (A) of paragraph (1), by inserting “of” after “foreign institution”; and
 - (ii) in paragraphs (3), (4)(A), (5), and (8)(A), by striking “under this title” each place it appears and inserting “under this title, other than a foreign institution of higher education,”;
 - (D) in subsection (g)(2), by striking “subparagraph (G)” and inserting “paragraph (1)(G)”; and
 - (E) in subsection (i)—
 - (i) in paragraph (2), by striking “eligible institution participating in any program under this title” and inserting “institution described in paragraph (1)”; and
 - (ii) in paragraph (3), in the matter preceding subparagraph (A), by striking “eligible institution participating in any program under this title” and inserting “institution described in paragraph (1)”; and
 - (iii) in paragraph (5)(B), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”;
 - (F) in subsection (k)(2), by inserting “section” before “484(r)(1)”; and
 - (G) in the matter preceding clause (i) of subsection (l)(1)(A), by striking “subparagraph (B)” and inserting “paragraph (2)”; and
- (6) in section 485A (20 U.S.C. 1092a)—
 - (A) in subsection (a)—
 - (i) by striking “or defined in subpart I of part C of title VII of the Public Health Service Act” and inserting “or an eligible lender as defined in section

719 of the Public Health Service Act (42 U.S.C. 292o); and

(ii) by striking “under subpart I of part C of title VII of the Public Health Service Act (known as Health Education Assistance Loans)” and inserting “under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)”;

(B) in subsection (b), by striking “subpart I of part C of title VII of the Public Health Service Act” and inserting “part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)”;

(C) in subsection (e)—

(i) by striking “Health Education Assistance Loan” and inserting “loan under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)”; and

(ii) in paragraph (2), by striking “733(e)(3)” and inserting “707(e)(3)”; and

(D) in subsection (f)—

(i) in paragraph (1)—

(I) in the second sentence, by striking “subpart I of part C of title VII of the Public Health Service Act” and inserting “part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)”; and

(II) in the fourth sentence, by striking “728(a)” and inserting “710”; and

(ii) in paragraph (2), by striking “subpart I of part C of title VII of the Public Health Service Act” and inserting “part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)”;

(7) in section 485B (20 U.S.C. 1092b)—

(A) in subsection (a)(5), by striking “)” and inserting “)”; and

(B) in subsection (d)(3)(D), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”;

(8) in section 487 (20 U.S.C. 1094)—

(A) in subsection (a)(23)(A), by inserting “of 1993” after “Registration Act”;

(B) in subsection (c)(1)—

(i) in subparagraph (A)(i), by striking “students receives” and inserting “students receive”;

(ii) in subparagraph (F), by striking “paragraph (2)(B)” and inserting “paragraph (3)(B)”; and

(iii) in subparagraph (H), by striking “paragraph (2)(B)” and inserting “paragraph (3)(B)”; and

(C) in subsection (f)(1), by striking “496(c)(4)” and inserting “496(c)(3)”; and

(D) in subsection (g)(1), by striking “subsection (f)(2)” and inserting “subsection (e)(2)”; and

(9) in section 487A(b) (20 U.S.C. 1094a(b))—

(A) in paragraph (1)—

(i) by striking “Any activities” and inserting “Any experimental sites”; and

(ii) by striking “June 30, 2009” and inserting “June 30, 2010”; and

(B) by adding at the end the following:

“(4) DETERMINATION OF SUCCESS.—For the purposes of paragraph (1), the Secretary shall make a determination of success regarding an institution’s participation as an experimental site based on—

“(A) the ability of the experimental site to reduce administrative burdens to the institution, as documented in the Secretary’s biennial report under paragraph (2), without creating costs for the taxpayer; and

“(B) whether the experimental site has improved the delivery of services to, or otherwise benefitted, students.”; (10) in section 489(a) (20 U.S.C. 1096(a))—

(A) in the third sentence, by striking “has agreed to assign under section 463(a)(6)(B)” and inserting “has referred under section 463(a)(4)(B)”; and

(B) in the fourth sentence, by striking “484(h)” and inserting “484(g)”;

(11) in section 491(l)(2)(A) (20 U.S.C. 1098(l)(2)(A)), by inserting “the” after “enactment of”; and

(12) in section 492(a) (20 U.S.C. 1098a(a))—

(A) in paragraph (1), by striking “regulations” and all that follows through “The” and inserting “regulations for this title. The”; and

(B) in paragraph (2), by striking “ISSUES” and all that follows through “provide” and inserting “ISSUES.—The Secretary shall provide”.

SEC. 408. PROGRAM INTEGRITY.

Part H of title IV (20 U.S.C. 1099a et seq.) is amended—

(1) in section 496(a)(6)(G) (20 U.S.C. 1099b(a)(6)(G)), by striking the period at the end and inserting a semicolon; and

(2) in section 498(c)(2) (20 U.S.C. 1099c(c)(2)), by striking “for profit” and inserting “for-profit”.

SEC. 409. WAIVER OF MASTER CALENDAR AND NEGOTIATED RULE-MAKING REQUIREMENTS.

20 USC 1089
note.

Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to the amendments made by this title, or to any regulations promulgated under those amendments.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. DEVELOPING INSTITUTIONS.

Section 502(b)(2) (20 U.S.C. 1101a(b)(2)) is amended by striking “which determination” and inserting “which the determination”.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. INTERNATIONAL EDUCATION PROGRAMS.

(a) HIGHER EDUCATION ACT OF 1965.—Title VI (20 U.S.C. 1121 et seq.) is amended—

(1) in section 604(a) (20 U.S.C. 1124(a))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by inserting “the” before “Federal”; and

(B) in paragraph (7)(D), by striking “institution, combination” and inserting “applicant, consortium,”; and

(2) in section 622(a) (20 U.S.C. 1131–1(a)), by inserting a period after “title”.

(b) HIGHER EDUCATION OPPORTUNITY ACT.—The matter preceding paragraph (1) of section 621 of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking “Section 631 (20 U.S.C. 1132)” and inserting “Section 631(a) (20 U.S.C. 1132(a))”.

20 USC 1132.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT

SEC. 701. GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS.

Title VII (20 U.S.C. 1133 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 721(d) (20 U.S.C. 1136(d)), by striking “services through” and all that follows through “resource centers” and inserting “services through pre-college programs, undergraduate prelaw information resource centers”;

(2) in section 723(b)(1)(P) (20 U.S.C. 1136a(b)(1)(P)), by striking “Sate” and inserting “State”;

(3) in section 744(c)(6)(C) (20 U.S.C. 1138c(c)(6)(C)), by inserting “of the National Academies” after “Institute of Medicine”;

(4) in section 760 (20 U.S.C. 1140), by striking paragraph (1) and inserting the following:

Definition.

“(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term ‘comprehensive transition and postsecondary program for students with intellectual disabilities’ means a degree, certificate, or nondegree program that meets each of the following:

“(A) Is offered by an institution of higher education.

“(B) Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment.

“(C) Includes an advising and curriculum structure.

“(D) Requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution, with such participation focusing on academic components, and occurring through 1 or more of the following activities:

“(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

“(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

“(iii) Enrollment in noncredit-bearing, nondegree courses with nondisabled students.

“(iv) Participation in internships or work-based training in settings with nondisabled individuals.

“(E) Requires students with intellectual disabilities to be socially and academically integrated with non-disabled students to the maximum extent possible.”;

(5) in section 772 (20 U.S.C. 1140l)—

(A) in subsection (a)(2)(A), by striking “with in” and inserting “with”; and

(B) in the matter preceding subclause (I) of subsection (b)(1)(C)(ii), by striking “subparagraph (C)” and inserting “clause (i)”;

(6) in section 781 (20 U.S.C. 1141)—

(A) in subsection (c)(1), by striking “Service” each place the term appears and inserting “Services”;

(B) in the matter preceding paragraph (1) of subsection (e)—

(i) by striking “(as defined” and all that follows through “this Act)” and inserting “(as described in section 435(p))”; and

(ii) by striking “435(j)” and inserting “428(b)”;

(C) in subsection (g)(2), by striking “Service” and inserting “Services”; and

(D) in subsection (i)—

(i) in paragraph (1)(D), by striking “consortia” and inserting “consortium”; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking “CONSORTIA” and inserting “CONSORTIUM”; and

(II) by striking “consortia” each place the term appears and inserting “consortium”.

TITLE VIII—ADDITIONAL PROGRAMS

SEC. 801. ADDITIONAL PROGRAMS.

Title VIII (20 U.S.C. 1161a et seq.) is amended—

(1) in section 802(d)(2)(D) (20 U.S.C. 1161b(d)(2)(D)), by striking “regulation” and inserting “regulations”;

(2) in section 804(d) (20 U.S.C. 1161d(d))—

(A) in the heading, by striking “DEFINITION” and inserting “DEFINITIONS”; and

(B) by striking paragraph (2) and inserting the following:

“(2) PUBLIC HEALTH SERVICE ACT.—The terms ‘accredited’ and ‘school of nursing’ have the meanings given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).”;

(3) in section 808(a)(1) (20 U.S.C. 1161h(a)(1)), by striking “the Family Education Rights and Privacy Act of 1974” and inserting “section 444 of the General Education Provisions Act (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’)”;

(4) in section 819(b)(3) (20 U.S.C. 1161j(b)(3)), by inserting a period after “101(a)”;

(5) in section 820 (20 U.S.C. 1161k)—

(A) in subsection (d)(5), by inserting “the” before “grant”;

(B) in subsection (f)(2), by striking “subpart” each place the term appears and inserting “section”; and

(C) in subsection (h), by striking “use” and inserting “used”;

(6) in section 821 (20 U.S.C. 11611)—

(A) in subsection (a)(1), by striking “subsection (g)” and inserting “subsection (f)”; and

(B) in subsection (c)(1)(B), by striking “within” and inserting “in”;

(7) in section 824(f)(3) (20 U.S.C. 11611-3(f)(3))—

(A) in subparagraph (A), by inserting “a” after “submitting”; and

(B) in subparagraph (C), by striking “pursing” and inserting “pursuing”;

(8) in section 825(a) (20 U.S.C. 11611-4(a)), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”;

(9) in section 826(3) (20 U.S.C. 11611-5(3)), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”;

(10) in section 830(a)(1)(B) (20 U.S.C. 1161m(a)(1)(B)), by striking “of for” and inserting “of”;

(11) in section 833(e)(1) (20 U.S.C. 1161n-2(e)(1))—

(A) in the matter preceding subparagraph (A), by striking “because of” and inserting “based on”; and

(B) in subparagraph (D), by striking “purposes of this section” and inserting “purpose of this part”;

(12) in section 841(c)(1) (20 U.S.C. 1161o(c)(1)), by striking “486A(d)” and inserting “486A(b)(1)”;

(13) in section 851(j) (20 U.S.C. 1161p(j)), by inserting “to be appropriated” after “authorized”; and

(14) in section 894(b)(2) (20 U.S.C. 1161y(b)(2)), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”.

SEC. 802. AMENDMENTS TO OTHER HIGHER EDUCATION ACTS.

(a) HIGHER EDUCATION AMENDMENTS OF 1998.—

(1) INCARCERATED INDIVIDUALS.—Section 821(h) of the Higher Education Amendments of 1998 (20 U.S.C. 1151(h)) is amended to read as follows:

“(h) ALLOCATION OF FUNDS.—

“(1) FISCAL YEAR 2009.—From the funds appropriated pursuant to subsection (i) for fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of incarcerated individuals described in paragraphs (1) and (2) of subsection (e) in the State bears to the total number of such individuals in all States.

“(2) FUTURE FISCAL YEARS.—From the funds appropriated pursuant to subsection (i) for each fiscal year after fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.”.

(2) UNDERGROUND RAILROAD.—Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by inserting “this section” after “to carry out”.

(b) EDUCATION OF THE DEAF ACT OF 1986.—Section 203(b)(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(2)) is amended by striking “and subsections (b) and (c) of section 209.” and inserting “and subsections (a), (b), and (c) of section 209.”.

Approved July 1, 2009.

LEGISLATIVE HISTORY—H.R. 1777:

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Mar. 30, considered and passed House.

June 23, considered and passed Senate, amended. House concurred in Senate amendment.

