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 (Original Signature of Member)

110TH CONGRESS
 1ST SESSION

H. R. _____

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

 IN THE HOUSE OF REPRESENTATIVES

Mr. GEORGE MILLER of California (for himself, Mr. HINOJOSA, and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on _____

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
 5 “College Opportunity and Affordability Act of 2007”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

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- 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.
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 - “Sec. 132. State commitment to affordable college education.
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 - “Sec. 133. Transparency in college tuition for consumers.
- Sec. 110. Textbook information.
 - “Sec. 134. Textbook information.
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- “Sec. 151. Definitions.
- “Sec. 152. Requirements for lenders and institutions participating in preferred lender arrangements.
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- “Sec. 156. Compliance and enforcement.
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“TITLE II—TEACHER QUALITY ENHANCEMENT

- “Sec. 200. Definitions.

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- “Sec. 201. Purposes; Definitions.
- “Sec. 202. Partnership grants.
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- “Sec. 271. Teach for America.

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- Sec. 1031. Coordinated education efforts.

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

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- Sec. 1051. CRA credit for low-cost educational loans.

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

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

8 (b) EFFECTIVE DATE.—Except as otherwise provided
9 in this Act or the amendments made by this Act, the
10 amendments made by this Act shall be effective on the
11 date of enactment 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(a)(3) (20
16 U.S.C. 1001(a)(3)) 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
20 to the review and approval by the Secretary” after
21 “such a degree”; and

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

24 “(2) a public or nonprofit private educational
25 institution in any State that, in lieu of the require-

1 ment in subsection (a)(1), admits as regular stu-
2 dents persons—

3 “(A) who are beyond the age of compul-
4 sory school attendance in the State in which the
5 institution is located; or

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

9 (b) INTERNATIONAL MEDICAL SCHOOLS.—Section
10 102(a)(2)(A)(i) (20 U.S.C. 1002(a)(2)(A)(i)(II)) is
11 amended—

12 (1) by striking “or” at the end of subclause (I);

13 and

14 (2) by striking subclause (II) and inserting the
15 following:

16 “(II) the institution has or had a
17 clinical training program that was ap-
18 proved by a State as of January 1,
19 1992, and continues to operate a clin-
20 ical training program in at least one
21 State, which is approved by that
22 State; or

23 “(III) that institution—

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

4 “(bb) certifies only unsub-
5 sidized Stafford or PLUS loans
6 to graduate and professional stu-
7 dents attending the institution;

8 “(cc) agrees to reimburse
9 the Secretary for the cost of any
10 loan defaults for students in-
11 cluded in the institution’s cohort
12 default rate during the previous
13 fiscal year; or”.

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

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

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

21 (3) by striking subparagraph (F).

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

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

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

6 “(A) who are beyond the age of compul-
7 sory school attendance in the State in which the
8 institution is located; or

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

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

14 “(2) ADDITIONAL INSTITUTIONS.—The term
15 ‘postsecondary vocational institution’ also includes
16 an educational institution in any State that, in lieu
17 of the requirement in section 101(a)(1), admits as
18 regular students persons—

19 “(A) who are beyond the age of compul-
20 sory school attendance in the State in which the
21 institution is located; or

22 “(B) who will be dually or concurrently en-
23 rolled in the institution and a secondary
24 school.”.

1 **SEC. 102. ADDITIONAL DEFINITIONS.**

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

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

6 “(17) AUTHORIZING COMMITTEES.—The term
7 ‘authorizing committees’ means the Committee on
8 Health, Education, Labor, and Pensions of the Sen-
9 ate and the Committee on Education and Labor of
10 the House of Representatives.

11 “(18) CRITICAL FOREIGN LANGUAGE.—The
12 term ‘critical foreign language’ means each of the
13 languages contained in the list of critical languages
14 designated by the Secretary in the Federal Register
15 on August 2, 1985 (50 Fed. Reg. 149, 31412; pro-
16 mulgated under the authority of section 212(d) of
17 the Education for Economic Security Act (repealed
18 by section 2303 of the Augustus F. Hawkins-Robert
19 T. Stafford Elementary and Secondary School Im-
20 provement Amendments of 1988)), except that in
21 the implementation of this definition with respect to
22 a specific title, the Secretary may set priorities ac-
23 cording to the purposes of such title and the na-
24 tional security, economic competitiveness, and edu-
25 cational needs of the United States.

26 “(19) DISTANCE EDUCATION.—

1 “(A) IN GENERAL.—Except as otherwise
2 provided, the term ‘distance education’ means
3 education that uses 1 or more of the tech-
4 nologies described in subparagraph (B)—

5 “(i) to deliver instruction to students
6 who are separated from the instructor; and

7 “(ii) to support regular and sub-
8 stantive interaction between the students
9 and the instructor, synchronously or asyn-
10 chronously.

11 “(B) INCLUSIONS.—For the purposes of
12 subparagraph (A), the technologies used may
13 include—

14 “(i) the Internet;

15 “(ii) one-way and two-way trans-
16 missions through open broadcast, closed
17 circuit, cable, microwave, broadband lines,
18 fiber optics, satellite, or wireless commu-
19 nications devices;

20 “(iii) audio conferencing; or

21 “(iv) video cassette, DVDs, and CD-
22 ROMs, if the cassette, DVDs, and CD-
23 ROMs are used in a course in conjunction
24 with the technologies listed in clauses (i)
25 through (iii).

1 “(20) HIGH-NEED SCHOOL.—Except with re-
2 spect to title II, the term ‘high-need school’ means
3 a public or nonprofit private elementary or sec-
4 ondary school which is in a local educational agency
5 which is eligible for assistance pursuant to title I of
6 the Elementary and Secondary Education Act of
7 1965 in the applicable fiscal year, and which for the
8 purpose of this paragraph and for that year was de-
9 termined by the Secretary (pursuant to regulations
10 and after consultation with the State educational
11 agency of the State in which the school is located)
12 to be a school in which the enrollment of children
13 counted under section 1113(a)(5) of the Elementary
14 and Secondary Education Act of 1965 exceeds 30
15 percent of the total enrollment of that school.

16 “(21) LIMITED ENGLISH PROFICIENT.—The
17 term ‘limited English proficient’ has the meaning
18 given such term in section 9101 of the Elementary
19 and Secondary Education Act of 1965.

20 “(22) UNIVERSAL DESIGN.—The term ‘uni-
21 versal design’ means a concept or philosophy for de-
22 signing and delivering products and services that are
23 usable by people with the widest possible range of
24 functional capabilities, which include products and
25 services that are directly accessible (without requir-

1 ing assistive technologies) and products and services
2 that are interoperable with assistive technologies.

3 “(23) UNIVERSAL DESIGN FOR LEARNING.—

4 The term “universal design for learning” means a
5 research-based framework for designing curriculum
6 (including goals, methods, materials, and assess-
7 ments) that—

8 “(A) provides curricular flexibility in the
9 ways information is presented, in the ways stu-
10 dents respond or demonstrate knowledge, and
11 in the ways students are engaged; and

12 “(B) reduces barriers in instruction and
13 assessment, provides appropriate supports and
14 challenges, and maintains high achievement
15 standards for all students, including students
16 with disabilities.”; and

17 (2) by reordering paragraphs (1) through (16)
18 and the paragraphs added by paragraph (1) of this
19 subsection in alphabetical order based on the head-
20 ings of such paragraphs, and renumbering such
21 paragraphs as so reordered.

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

24 (1) in section 131(a)(3)(B) (20 U.S.C.
25 1015(a)(3)(B)), by striking “Committee on Labor

1 and Human Resources of the Senate and the Com-
2 mittee on Education and the Workforce of the
3 House of Representatives” and inserting “author-
4 izing committees”;

5 (2) in section 141(d)(4)(B) (20 U.S.C.
6 1018(d)(4)(B)), by striking “Committee on Edu-
7 cation and the Workforce of the House of Rep-
8 resentatives and the Committee on Labor and
9 Human Resources of the Senate” and inserting “au-
10 thorizing committees”;

11 (3) in section 401(f)(3) (20 U.S.C.
12 1070a(f)(3)), by striking “to the Committee on Ap-
13 propriations” and all that follows through “House of
14 Representatives” and inserting “to the Committee
15 on Appropriations of the Senate, the Committee on
16 Appropriations of the House of Representatives, and
17 the authorizing committees”;

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

19 (A) in subsection (c)(9)(K), by striking
20 “House Committee on Education and the
21 Workforce and the Senate Committee on Labor
22 and Human Resources” and inserting “author-
23 izing committees”;

24 (B) in the matter following paragraph (2)
25 of subsection (g), by striking “Committee on

1 Labor and Human Resources of the Senate and
2 the Committee on Education and the Workforce
3 of the House of Representatives” and inserting
4 “authorizing committees”; and

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

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

11 (A) in the matter preceding subparagraph
12 (A) of paragraph (2), by striking “Chair-
13 person” and all that follows through “House of
14 Representatives” and inserting “members of the
15 authorizing committees”;

16 (B) in paragraph (3), by striking “Chair-
17 person” and all that follows through “House of
18 Representatives” and inserting “members of the
19 authorizing committees”; and

20 (C) in paragraph (5), by striking “Chair-
21 person” and all that follows through “House of
22 Representatives” and inserting “members of the
23 authorizing committees”;

24 (6) in section 432 (20 U.S.C. 1082)—

1 (A) in subsection (f)(1)(C), by striking
2 “the Committee on Education and the Work-
3 force of the House of Representatives or the
4 Committee on Labor and Human Resources of
5 the Senate” and inserting “either of the author-
6 izing committees”; and

7 (B) in the matter following subparagraph
8 (D) of subsection (n)(3), by striking “Com-
9 mittee on Education and the Workforce of the
10 House of Representatives and the Committee
11 on Labor and Human Resources of the Senate”
12 and inserting “authorizing committees”;

13 (7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)),
14 by striking “Committee on Education and the Work-
15 force of the House of Representatives and the Com-
16 mittee on Labor and Human Resources of the Sen-
17 ate” and inserting “authorizing committees”;

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

19 (A) in subsection (d)(1)(E)(iii), by striking
20 “advise the Chairman” and all that follows
21 through “House of Representatives” and insert-
22 ing “advise the members of the authorizing
23 committees”;

24 (B) in subsection (r)—

1 (i) in paragraph (3), by striking “in-
2 form the Chairman” and all that follows
3 through “House of Representatives,” and
4 inserting “inform the members of the au-
5 thorizing committees”;

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

11 (iii) in paragraph (6)(B)—

12 (I) by striking “plan, to the
13 Chairman” and all that follows
14 through “House of Representatives”
15 and inserting “plan, to the members
16 of the authorizing committees”; and

17 (II) by striking “Chairmen and
18 ranking minority members of such
19 Committees” and inserting “members
20 of the authorizing committees”;

21 (iv) in paragraph (8)(C), by striking
22 “implemented to the Chairman” and all
23 that follows through “House of Represent-
24 atives, and” and inserting “implemented to

1 the members of the authorizing commit-
2 tees, and to”; and

3 (v) in the matter preceding subpara-
4 graph (A) of paragraph (10), by striking
5 “days to the Chairman” and all that fol-
6 lows through “Education and Labor” and
7 inserting “days to the members of the au-
8 thorizing committees”; and
9 (C) in subsection (s)(2)—

10 (i) in the matter preceding clause (i)
11 of subparagraph (A), by striking “Treas-
12 ury and to the Chairman” and all that fol-
13 lows through “House of Representatives”
14 and inserting “Treasury and to the mem-
15 bers of the authorizing committees”; and

16 (ii) in subparagraph (B), by striking
17 “Treasury and to the Chairman” and all
18 that follows through “House of Represent-
19 atives” and inserting “Treasury and to the
20 members of the authorizing committees”;

21 (9) in section 455(b)(8)(B) (20 U.S.C.
22 1087e(b)(8)(B)), by striking “Committee on Labor
23 and Human Resources of the Senate and the Com-
24 mittee on Education and the Workforce of the

1 House of Representatives” and inserting “author-
2 izing committees”;

3 (10) in section 482(d) (20 U.S.C. 1089(d)), by
4 striking “Committee on Labor and Human Re-
5 sources of the Senate and the Committee on Edu-
6 cation and Labor of the House of Representatives”
7 and inserting “authorizing committees”;

8 (11) in section 483(e) (20 U.S.C. 1090(e)), by
9 striking “Committee on Labor and Human Re-
10 sources of the Senate and the Committee on Edu-
11 cation and the Workforce of the House of Rep-
12 resentatives” and inserting “authorizing commit-
13 tees”;

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

15 (A) in subsection (f)(5)(A), by striking
16 “Committee on Education and the Workforce of
17 the House of Representatives and the Com-
18 mittee on Labor and Human Resources of the
19 Senate” and inserting “authorizing commit-
20 tees”; and

21 (B) in subsection (g)(4)(B), by striking
22 “Committee on Education and the Workforce of
23 the House of Representatives and the Com-
24 mittee on Labor and Human Resources of the

1 Senate” and inserting “authorizing commit-
2 tees”;

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
7 the Workforce of the House of Representatives”
8 and inserting “authorizing committees”; and

9 (B) in subsection (f)(3)—

10 (i) in the matter preceding clause (i)
11 of subparagraph (A), by striking “Com-
12 mittee on Labor and Human Resources of
13 the Senate and the Committee on Edu-
14 cation and the Workforce of the House of
15 Representatives” and inserting “author-
16 izing committees”; 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 Edu-
21 cation and the Workforce of the House of
22 Representatives” and inserting “author-
23 izing committees”;

24 (14) in section 487A(a)(5) (20 U.S.C.
25 1094a(a)(5)), by striking “Committee on Labor and

1 Human Resources of the Senate and the Committee
2 on Education and the Workforce of the House of
3 Representatives” and inserting “authorizing commit-
4 tees”; and

5 (15) in section 498B(d) (20 U.S.C. 1099c-
6 2(d))—

7 (A) in paragraph (1), by striking “Com-
8 mittee on Labor and Human Resources of the
9 Senate and the Committee on Education and
10 the Workforce of the House of Representatives”
11 and inserting “authorizing committees”; and

12 (B) in paragraph (2), by striking “Com-
13 mittee on Labor and Human Resources of the
14 Senate and the Committee on Education and
15 the Workforce of the House of Representatives”
16 and inserting “authorizing committees”.

17 **SEC. 103. TREATMENT OF TERRITORIES AND TERRITORIAL**
18 **STUDENT ASSISTANCE.**

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

20 (1) by striking “treatment of territories and
21 territorial student assistance” in the heading of such
22 section and inserting “territorial waiver authority”;
23 and

24 (2) by striking “(a) WAIVER AUTHORITY.—”;
25 and

1 (3) by striking subsection (b).

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

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

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

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

14 “(b) **MEMBERSHIP.**—

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

17 “(A) 5 members shall be appointed by the
18 Secretary;

19 “(B) 5 members shall be appointed by the
20 Speaker of the House of Representatives upon
21 the recommendation of the majority leader and
22 minority leader of the House of Representa-
23 tives; and

24 “(C) 5 members shall be appointed by the
25 President pro tempore of the Senate upon the

1 recommendation of the majority leader and mi-
2 nority leader of the Senate.

3 “(2) QUALIFICATIONS.—Individuals shall be ap-
4 pointed as members of the Committee on—

5 “(A) the basis of the individuals’ experi-
6 ence, integrity, impartiality, and good judg-
7 ment;

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

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

18 “(3) TERMS OF MEMBERS.—The term of office
19 of each member of the Committee shall be for 6
20 years, except that any member appointed to fill a va-
21 cancy occurring prior to the expiration of the term
22 for which the member’s predecessor was appointed
23 shall be appointed for the remainder of such term.

24 “(4) VACANCY.—A vacancy on the Committee
25 shall be filled in the same manner as the original ap-

1 pointment was made not later than 90 days after
2 the vacancy occurred. If a vacancy occurs in a posi-
3 tion to be filled by the Secretary, the Secretary shall
4 publish a Federal Register notice soliciting nomina-
5 tions for the position not later than 30 days after
6 being notified of the vacancy.

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

9 “(A) 3 years for members appointed under
10 paragraph (1)(A);

11 “(B) 4 years for members appointed under
12 paragraph (1)(B); and

13 “(C) 6 years for members appointed under
14 paragraph (1)(C).

15 “(6) CHAIRPERSON.—The members of the
16 Committee shall select a chairperson from among
17 the members.

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

19 “(1) advise the Secretary with respect to estab-
20 lishment and enforcement of the standards of ac-
21 crediting agencies or associations under subpart 2 of
22 part H of title IV;

23 “(2) advise the Secretary with respect to the
24 recognition of a specific accrediting agency or asso-
25 ciation;

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

4 “(4) advise the Secretary with respect to the
5 eligibility and certification process for institutions of
6 higher education under title IV, together with rec-
7 ommendations for improvements in such process;

8 “(5) advise the Secretary with respect to the re-
9 lationship between—

10 “(A) accreditation of institutions of higher
11 education and the certification and eligibility of
12 such institutions; and

13 “(B) State licensing responsibilities with
14 respect to such institutions;

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

20 “(7) carry out such other advisory functions re-
21 lating to accreditation and institutional eligibility as
22 the Secretary may prescribe in regulation.

23 “(d) MEETING PROCEDURES.—

24 “(1) SCHEDULE.—

1 “(A) BIENNIAL MEETINGS.—The Com-
2 mittee shall meet not less often than twice each
3 year, at the call of the Chairperson.

4 “(B) PUBLICATION OF DATE.—The Com-
5 mittee shall submit the date and location of
6 each meeting in advance to the Secretary, and
7 the Secretary shall publish such information in
8 the Federal Register not later than 30 days be-
9 fore the meeting.

10 “(2) AGENDA.—

11 “(A) ESTABLISHMENT.—The agenda for a
12 meeting of the Committee shall be established
13 by the Chairperson and shall be submitted to
14 the members of the Committee upon notifica-
15 tion of the meeting.

16 “(B) OPPORTUNITY FOR PUBLIC COM-
17 MENT.—The agenda shall include, at a min-
18 imum, opportunity for public comment during
19 the Committee’s deliberations.

20 “(3) SECRETARY’S DESIGNEE.—

21 “(A) ATTENDANCE AT MEETING.—The
22 Chairperson shall invite the Secretary’s des-
23 ignee to attend all meetings of the Committee.

24 “(B) ROLE OF DESIGNEE.—The Sec-
25 retary’s designee may be present at a Com-

1 mittee meeting to facilitate the exchange and
2 free flow of information between the Secretary
3 and the Committee. The designee shall have no
4 authority over the agenda of the meeting, the
5 items on that agenda, or on the resolution of
6 any agenda item.

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

11 “(e) REPORT AND NOTICE.—

12 “(1) NOTICE.—The Secretary shall annually
13 publish in the Federal Register—

14 “(A) a list containing, for each member of
15 the Committee—

16 “(i) the member’s name;

17 “(ii) the date of the expiration of the
18 member’s term of office; and

19 “(iii) the individual described in sub-
20 section (b)(1) who appointed the member;
21 and

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

1 “(2) REPORT.—Not later than September 30 of
2 each year, the Committee shall make an annual re-
3 port to the Secretary, the authorizing committees,
4 and the public. The annual report shall contain—

5 “(A) a detailed summary of the agenda
6 and activities of, and the findings and rec-
7 ommendations made by, the Committee during
8 the preceding fiscal year;

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

11 “(C) a list of the members of the Com-
12 mittee and appropriate contact information;
13 and

14 “(D) a list of the functions of the Com-
15 mittee, including any additional functions estab-
16 lished by the Secretary through regulation.

17 “(f) TERMINATION.—The Committee shall terminate
18 on September 30, 2012.”.

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

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

21 (1) in subsection (a)(2)—

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

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

1 (C) by inserting after subparagraph (A)
2 (as 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
12 are imposed by the institution as a result of
13 drug and alcohol-related incidents and fatalities
14 on the institution’s property or as part of any
15 of the 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 adding
7 at the end the following new subsections:

8 “(e) 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 Edu-
13 cation in a prominent place on the homepage of the
14 Department of Education website; and

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

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

22 “(1) AVAILABILITY OF INFORMATION.—The
23 Secretary shall ensure that the eligibility require-
24 ments, application procedures, financial terms and
25 conditions, and other relevant information for each

1 non-departmental student financial assistance pro-
2 gram are easily accessible through the Federal stu-
3 dent financial aid website and are incorporated into
4 the search matrix on such website in a manner that
5 permits students and parents to readily identify the
6 programs that are appropriate to their needs and eli-
7 gibility.

8 “(2) AGENCY RESPONSE.—Each Federal de-
9 partment and agency shall promptly respond to sur-
10 veys or other requests for the information required
11 by paragraph (1), and shall identify for the Sec-
12 retary any non-departmental student financial as-
13 sistance program operated, sponsored, or supported
14 by such Federal department or agency.

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

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

1 “(B) operated, sponsored, or supported by
2 a Federal department or agency other than the
3 Department of Education.”.

4 **SEC. 108. STATE COMMITMENT TO AFFORDABLE COLLEGE**
5 **EDUCATION.**

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

8 **“SEC. 132. STATE COMMITMENT TO AFFORDABLE COLLEGE**
9 **EDUCATION.**

10 “(a) MAINTENANCE OF EFFORT REQUIRED.—No
11 State shall reduce the total amount provided by the State
12 for public institutions of higher education in such State
13 for any academic year beginning on or after July 1, 2008,
14 to an amount which is less than the average amount pro-
15 vided by such State to such institutions of higher edu-
16 cation during the 5 most recent preceding academic years
17 for which satisfactory data is available.

18 “(b) WAIVER.—The Secretary shall waive the re-
19 quirements of subsection (a), if the Secretary determines
20 that such a waiver would be equitable due to exceptional
21 or uncontrollable circumstances, such as a natural disaster
22 or a precipitous and unforeseen decline in the financial
23 resources of a State educational agency.

24 “(c) VIOLATION OF MAINTENANCE OF EFFORT.—
25 Notwithstanding any other provision of law, the Secretary

1 of Education shall withhold from any State that violates
2 subsection (a) and does not receive a waiver pursuant to
3 subsection (b) any amount that would otherwise be avail-
4 able to the State under section 415E until such State has
5 made significant efforts 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
9 currently utilized by institutions of higher education
10 and systems of such institutions, and research into
11 other 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 research that has identified
16 successful methods of cost containment;

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

20 “(4) to work together with such institutions
21 and 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
5 this 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
9 price’ means the average yearly tuition and fees paid by
10 a full-time undergraduate student at an institution of
11 higher education, after discounts and grants from the in-
12 stitution, Federal Government, or a State have been ap-
13 plied to the 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
17 and Affordability Act of 2007, the Commission of
18 the Bureau of Labor Statistics, in consultation with
19 the Commissioner of Education Statistics and rep-
20 resentatives of institutions of higher education, shall
21 develop higher education price indices that accu-
22 rately reflect the annual change in tuition and fees
23 for undergraduate students in the categories of insti-
24 tutions listed in paragraph (2). Such indices shall be
25 updated annually. Prior to the completion of the

1 higher education price index, the Secretary is au-
2 thorized to use an alternative, comparable index.

3 “(2) DEVELOPMENT.—The higher education
4 price index 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
19 of 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,
5 a national list ranking institutions of higher edu-
6 cation according to the percentage change and dollar
7 change in such institutions’ tuition and fees over the
8 preceding 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
16 for the list described in paragraph (1) are the fol-
17 lowing:

18 “(A) 4-year public institutions of higher
19 education.

20 “(B) 4-year private, nonprofit institutions
21 of higher education.

22 “(C) 4-year private, for-profit institutions
23 of higher education.

24 “(D) 2-year public institutions of higher
25 education.

1 “(E) 2-year private, nonprofit institutions
2 of higher education.

3 “(F) 2-year private, for-profit institutions
4 of higher education.

5 “(G) Less than 2-year public institutions
6 of higher education.

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

9 “(I) Less than 2-year private, for-profit in-
10 stitutions of higher education.

11 “(3) HIGHER EDUCATION PRICE INCREASE
12 WATCH LISTS.—Effective July 1, 2008, the Sec-
13 retary shall annually update and make publicly
14 available on the College Navigator website, the na-
15 tional list developed under paragraph (1), and the
16 list for each State, ranking each institution of higher
17 education whose tuition and fees outpace such insti-
18 tution’s applicable higher education price index de-
19 scribed in subsection (b). Such lists shall—

20 “(A) be known as the ‘Higher Education
21 Price Increase Watch Lists’;

22 “(B) report the full price of tuition and
23 fees at the institution and the net price;

24 “(C) include data cells for common ex-
25 penditures for institutions to utilize;

1 “(D) where applicable, report the average
2 price of room and board for students living on
3 campus at the institution, except that such
4 price shall not be used in determining whether
5 an institution’s cost outpaces such institution’s
6 applicable higher education price index; and

7 “(E) be compiled by the Secretary in a
8 public document to be widely published and dis-
9 seminated in paper form and through the
10 website of the Department.

11 “(4) QUALITY EFFICIENCY TASK FORCES.—

12 “(A) REQUIRED.—Each institution subject
13 to paragraph (3) shall establish a quality-effi-
14 ciency task force to review the operations of
15 such institution.

16 “(B) FUNCTIONS.—Such task force shall
17 analyze institutional operating costs in compari-
18 son with such costs at other institutions within
19 the same class of institutions. Such analysis
20 shall identify areas where, in comparison with
21 other institutions in such class, the institution
22 operates more expensively to produce a similar
23 result. Any identified areas shall then be tar-
24 geted for in-depth analysis for cost reduction
25 opportunities.

1 “(C) REPORT.—The results of the analysis
2 by a quality-efficiency task force under this
3 paragraph shall be made available to the public
4 on the College Navigator website.

5 “(5) EXEMPTIONS.—Notwithstanding para-
6 graph (3), an institution shall not be placed on the
7 higher education watch list if, for any 3-year interval
8 for the computed price under paragraph (1)—

9 “(A) with respect to the class of institu-
10 tions described in paragraph (2) to which the
11 institution belongs, the computed price of the
12 institution is in the lowest quartile of institu-
13 tions within such class, as determined by the
14 Secretary, during the last year of such 3-year
15 interval; or

16 “(B) the institution has a percentage
17 change in its full price computed under para-
18 graph (3) that exceeds the higher education
19 price index, or exceeds the applicable higher
20 education price index over the same time pe-
21 riod, but the dollar amount of the full price in-
22 crease is less than \$500.

23 “(6) STATE HIGHER EDUCATION APPROPRIA-
24 TIONS CHART.—The Secretary shall annually report

1 on the Department's website, in charts for each
2 State—

3 “(A) a comparison of the percentage
4 change in State appropriations per enrolled stu-
5 dent in a public institution of higher education
6 in the State to the percentage change in tuition
7 and fees for each public institution of higher
8 education in the State for each of the previous
9 5 years; and

10 “(B) the total amount of need-based and
11 merit-based aid provided by the State to stu-
12 dents enrolled in an institution of higher edu-
13 cation in the State.

14 “(d) NET PRICE CALCULATOR.—

15 “(1) DEVELOPMENT.—Not later than 1 year
16 after the date of enactment of the College Oppor-
17 tunity and Affordability Act of 2007, the Secretary
18 shall, in consultation with institutions of higher edu-
19 cation, develop and make several model net price cal-
20 culators to help students, families, and consumers
21 determine the net price of an institution of higher
22 education, which institutions of higher education
23 may, at their discretion, elect to use pursuant to
24 paragraph (3).

1 “(2) CATEGORIES.—The model net price cal-
2 culators described in paragraph (1) shall be devel-
3 oped for each of the following categories:

4 “(A) 4-year public institutions of higher
5 education.

6 “(B) 4-year private, nonprofit institutions
7 of higher education.

8 “(C) 4-year private, for-profit institutions
9 of higher education.

10 “(D) 2-year public institutions of higher
11 education.

12 “(E) 2-year private, nonprofit institutions
13 of higher education.

14 “(F) 2-year private, for-profit institutions
15 of higher education.

16 “(G) Less than 2-year public institutions
17 of higher education.

18 “(H) Less than 2-year private, nonprofit
19 institutions of higher education.

20 “(I) Less than 2-year private, for-profit in-
21 stitutions of higher education.

22 “(3) USE OF NET PRICE CALCULATOR BY IN-
23 STITUTIONS.—Not later than 3 years after the date
24 of enactment of the College Opportunity and Afford-
25 ability Act of 2007, each institution of higher edu-

1 cation that receives Federal funds under this Act
2 shall adopt and use a net price calculator to help
3 students, families, and other consumers determine
4 the net price of such institution of higher education.

5 Such calculator may be—

6 “(A) based on a model calculator developed
7 by the Department; or

8 “(B) developed by the institution of higher
9 education.

10 “(e) NET PRICE REPORTING IN APPLICATION INFOR-
11 MATION.—An institution of higher education that receives
12 Federal funds under this Act shall include, in the mate-
13 rials accompanying an application for admission to the in-
14 stitution, the most recent information regarding the net
15 price of the institution, calculated for each quartile of stu-
16 dents based on the income of either the students’ parents
17 or, in the case of independent students (as such term is
18 described in section 480), of the students, for each of the
19 2 academic years preceding the academic year for which
20 the application is produced.

21 “(f) ENHANCED COLLEGE INFORMATION
22 WEBSITE.—

23 “(1) UNIVERSITY AND COLLEGE ACCOUNT-
24 ABILITY NETWORK.—Not later than 1 year after the
25 date of enactment of the College Opportunity and

1 Affordability Act of 2007, the Secretary shall de-
2 velop a model format for annually publicly displaying
3 basic information about an institution of higher edu-
4 cation that chooses to participate, to be posted on
5 the college information website and made available
6 to institutions of higher education, students, fami-
7 lies, and other consumers. Such document shall be
8 known as the ‘University and College Accountability
9 Network’ (U-CAN), and shall include, the following
10 information about the institution of higher education
11 for the most recent academic year for which the in-
12 stitution has available data, presented in a con-
13 sumer-friendly manner:

14 “(A) A statement of the institution’s mis-
15 sion and specialties.

16 “(B) The total number of undergraduate
17 students who applied, were admitted, and en-
18 rolled at the institution.

19 “(C) Where applicable, reading, writing,
20 mathematics, and combined scores on the SAT
21 or ACT for the middle 50 percent range of the
22 institution’s freshman class.

23 “(D) Enrollment of full-time, part-time,
24 and transfer students at the institution, at the

1 undergraduate and (where applicable) graduate
2 levels.

3 “(E) Percentage of male and female un-
4 dergraduate students enrolled at the institution.

5 “(F) Percentage of enrolled undergraduate
6 students from the State in which the institution
7 is located, from other States, and from other
8 countries.

9 “(G) Percentage of enrolled undergraduate
10 students at the institution by race and ethnic
11 background.

12 “(H) Retention rates for full-time and
13 part-time first-time first-year undergraduate
14 students enrolled at the institution.

15 “(I) Average time to degree or certificate
16 completion for first-time, first-year under-
17 graduate students enrolled at the institution.

18 “(J) Percentage of enrolled undergraduate
19 students who graduate within 2 years (in the
20 case of 2-year institutions), and 4, 5 and 6
21 years (in the case of 2 and 4-year institutions).

22 “(K) Number of students who obtained a
23 certificate or an associate’s, bachelor’s, mas-
24 ter’s, or doctoral degree at the institution.

1 “(L) The undergraduate major areas of
2 study with the highest number of degrees
3 awarded.

4 “(M) The student-faculty ratio, and num-
5 ber of full-time, part-time, and adjunct faculty,
6 and graduate teaching and research assistants
7 with instructional responsibilities, at the institu-
8 tion.

9 “(N) Percentage of faculty at the institu-
10 tion with the highest degree in their field.

11 “(O) The percentage change in total price
12 in tuition and fees and the net price for an un-
13 dergraduate at the institution in each of the
14 preceding 3 academic years.

15 “(P) The total average yearly cost of tui-
16 tion and fees, room and board, and books and
17 other related costs for an undergraduate stu-
18 dent enrolled at the institution, for—

19 “(i) full-time undergraduate students
20 living on campus;

21 “(ii) full-time undergraduate students
22 living off-campus; and

23 “(iii) in the case of students attending
24 a public institution of higher education,

1 such costs for in-State and out-of-State
2 students living on and off-campus.

3 “(Q) The average yearly grant amount (in-
4 cluding Federal, State, and institutional aid)
5 for a student enrolled at the institution.

6 “(R) The average yearly amount of Fed-
7 eral student loans, and other loans provided
8 through the institution, to undergraduate stu-
9 dents enrolled at the institution.

10 “(S) The total yearly grant aid available to
11 undergraduate students enrolled at the institu-
12 tion, from the Federal Government, a State, the
13 institution, and other sources.

14 “(T) The percentage of undergraduate stu-
15 dents enrolled at the institution receiving Fed-
16 eral, State, and institutional grants, student
17 loans, and any other type of student financial
18 assistance provided publicly or through the in-
19 stitution, such as Federal work-study funds.

20 “(U) The number of students receiving
21 Federal Pell Grants at the institution.

22 “(V) The average net price for all under-
23 graduate students enrolled at the institution.

1 “(W) The percentage of first-year under-
2 graduate students enrolled at the institution
3 who live on campus and off campus.

4 “(X) Information on the policies of the in-
5 stitution related to transfer of credit from other
6 institutions.

7 “(Y) Information on campus safety re-
8 quired to be collected under section 485(f).

9 “(Z) Links to the appropriate sections of
10 the institution’s website that provide informa-
11 tion on student activities offered by the institu-
12 tion, such as intercollegiate sports, student or-
13 ganizations, study abroad opportunities, intra-
14 mural and club sports, specialized housing op-
15 tions, community service opportunities, cultural
16 and arts opportunities on campus, religious and
17 spiritual life on campus, and lectures and out-
18 side learning opportunities.

19 “(AA) Links to the appropriate sections of
20 the institution’s website that provide informa-
21 tion on services offered by the institution to
22 students during and after college, such as in-
23 ternship opportunities, career and placement
24 services, and preparation for further education.

1 “(2) CONSULTATION.—The Secretary shall en-
2 sure that current and prospective college students,
3 family members of such students, and institutions of
4 higher education are consulted in carrying out para-
5 graph (1).

6 “(g) STUDENT AID RECIPIENT SURVEY.—

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

11 “(A) to identify the population of students
12 receiving Federal student aid;

13 “(B) to describe the income distribution
14 and other socioeconomic characteristics of fed-
15 erally-aided students;

16 “(C) to describe the combinations of aid
17 from State, Federal, and private sources re-
18 ceived by students from all income groups;

19 “(D) to describe the debt burden of edu-
20 cational loan recipients and their capacity to
21 repay their education debts, and the impact of
22 such debt burden on career choices;

23 “(E) to describe the role played by the
24 price of postsecondary education in the deter-

1 mination by students of what institution to at-
2 tend; and

3 “(F) to describe how the increased costs of
4 textbooks and other instructional materials af-
5 fects the costs of postsecondary education to
6 students.

7 “(2) SURVEY DESIGN.—The survey shall be
8 representative of full-time and part-time, under-
9 graduate, graduate, professional, and current and
10 former students in all types of institutions, and de-
11 signed and administered in consultation with the
12 Congress and the postsecondary education commu-
13 nity.

14 “(3) DISSEMINATION.—The Commissioner of
15 Education Statistics shall disseminate the informa-
16 tion resulting from the survey in both printed and
17 electronic form.

18 “(h) REGULATIONS.—The Secretary is authorized to
19 issue such regulations as may be necessary to carry out
20 the provisions of this section.”.

21 **SEC. 110. TEXTBOOK INFORMATION.**

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

1 **“SEC. 134. TEXTBOOK INFORMATION.**

2 “(a) PURPOSE AND INTENT.—The purpose of this
3 section is to ensure that every student in higher education
4 is offered better and more timely access to affordable
5 course materials by educating and informing faculty, stu-
6 dents, administrators, institutions of higher education,
7 bookstores, distributors, and publishers on all aspects of
8 the selection, purchase, sale, and use of the course mate-
9 rials. It is the intent of this section—

10 “(1) to have all involved parties work together
11 to identify ways to decrease the cost of college text-
12 books and supplemental materials for students while
13 protecting the academic freedom of faculty members
14 to select high quality course materials for students;

15 “(2) to encourage—

16 “(A) college textbook publishers and dis-
17 tributors to work with faculty to promote un-
18 derstanding of the cost to students of pur-
19 chasing faculty selected textbooks, including the
20 disclosure of prices and bundling practices;

21 “(B) college bookstores to work with fac-
22 ulty to review timelines and processes for order-
23 ing and stocking course materials, and disclose
24 costs to faculty and students in a timely man-
25 ner;

1 “(C) institutions of higher education to im-
2 plement numerous options to address college
3 textbook affordability;

4 “(D) institutions of higher education
5 should work with student organizations to help
6 students understand the factors driving text-
7 book costs and available methods and resources
8 to mitigate the effects of those costs; and

9 “(E) innovation in the development and
10 use of course materials (including course mate-
11 rials utilizing the principles of universal design)
12 and technologies that can help students receive
13 the full value of their educational investment.

14 “(b) DEFINITIONS.—In this section:

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

19 “(2) COLLEGE TEXTBOOK.—The term ‘college
20 textbook’ means a textbook or a set of textbooks,
21 used for, or in conjunction with, a course in postsec-
22 ondary education at an institution of higher edu-
23 cation.

24 “(3) COURSE SCHEDULE.—The term ‘course
25 schedule’ means a listing of the courses or classes

1 offered by an institution of higher education for an
2 academic period, as defined by the institution.

3 “(4) CUSTOM TEXTBOOK.—The term ‘custom
4 textbook’ means a college textbook that is compiled
5 at the direction of a faculty member or other person
6 or adopting entity in charge of selecting course ma-
7 terials at an institution of higher education, and
8 may include, alone or in combination, items such as
9 selections from original instructor materials, pre-
10 viously copyrighted publisher materials, copyrighted
11 third-party works, and elements unique to a specific
12 institution, such as commemorative editions.

13 “(5) INSTITUTION OF HIGHER EDUCATION.—
14 The term ‘institution of higher education’ has the
15 meaning given the term in section 102.

16 “(6) INTEGRATED TEXTBOOK.—The term ‘inte-
17 grated textbook’ means a college textbook that is
18 combined with materials developed by a third party
19 which, by third-party contractual agreements, may
20 not be offered by publishers separately from the col-
21 lege textbook with which the materials are combined.

22 “(7) PUBLISHER.—The term ‘publisher’ means
23 a publisher of college textbooks or supplemental ma-
24 terials involved in or affecting interstate commerce.

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

5 “(9) SUPPLEMENTAL MATERIAL.—The term
6 ‘supplemental material’ means educational material
7 developed to accompany a college textbook, which—

8 “(A) may include printed materials, com-
9 puter disks, website access, and electronically
10 distributed materials; and

11 “(B) is not bound by third-party contrac-
12 tual agreements to be sold in an integrated
13 textbook.

14 “(c) PUBLISHER REQUIREMENTS.—

15 “(1) COLLEGE TEXTBOOK PRICING INFORMA-
16 TION.—When a publisher provides a faculty member
17 or other person or adopting entity in charge of se-
18 lecting course materials at an institution of higher
19 education with information regarding a college text-
20 book or supplemental material, the publisher shall
21 include, with any such information and in writing,
22 the following:

23 “(A) The price at which the publisher
24 would make the college textbook or supple-
25 mental material available to the bookstore on

1 the campus of, or otherwise associated with,
2 such institution of higher education.

3 “(B) The copyright dates of all previous
4 editions of such college textbook, if any.

5 “(C) The substantial content revisions
6 made between the current edition of the college
7 textbook or supplemental material and the pre-
8 vious edition, if any.

9 “(D) Whether the college textbook or sup-
10 plemental material is available in any other for-
11 mat, including paperback and unbound, and the
12 price at which the publisher would make the
13 college textbook or supplemental material in the
14 other format available to the bookstore on the
15 campus of, or otherwise associated with, such
16 institution of higher education.

17 “(2) UNBUNDLING OF COLLEGE TEXTBOOKS
18 FROM SUPPLEMENTAL MATERIALS.—A publisher
19 that sells a college textbook and any supplemental
20 material accompanying such college textbook as a
21 single bundled item shall also make available the col-
22 lege textbook and each supplemental material as
23 separate and unbundled items, each separately
24 priced.

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

6 “(d) PROVISION OF ISBN COLLEGE TEXTBOOK IN-
7 FORMATION IN COURSE SCHEDULES.—

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

11 “(A) disclose the International Standard
12 Book Number and retail price information of
13 required and recommended textbooks, related
14 materials, and supplies for each course listed in
15 the institution’s course schedule used for pre-
16 registration and registration purposes;

17 “(B) if the International Standard Book
18 Number is not available for the items listed in
19 subparagraph (A), the institution shall use the
20 author, title, publisher, and copyright date; and

21 “(C) if the institution determines that the
22 disclosure of the information described in the
23 preceding paragraphs for a course is not prac-
24 ticable, for a textbook, related material, or sup-
25 ply, then it should indicate so by placing the

1 designation “To Be Determined” in lieu of the
2 information required under such paragraphs.

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

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

17 “(1) the institution’s course schedule for the
18 subsequent academic period; and

19 “(2) for each course or class offered by the in-
20 stitution for the subsequent academic period—

21 “(A) the information required by sub-
22 section (d)(1) for each college textbook or sup-
23 plemental material required or recommended
24 for such 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 institutional auton-
7 omy or academic freedom of instructors involved in the
8 selection of college textbooks and classroom materials.”.

9 **SEC. 111. INSTITUTION AND LENDER REPORTING AND DIS-**
10 **CLOSURE REQUIREMENTS.**

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

13 **“PART E—LENDER AND INSTITUTION REQUIRE-**
14 **MENTS RELATING TO EDUCATIONAL LOANS**

15 **“SEC. 151. DEFINITIONS.**

16 “In this part:

17 “(1) COVERED INSTITUTION.—The term ‘cov-
18 ered institution’—

19 “(A) means any educational institution
20 that offers a postsecondary educational degree,
21 certificate, or program of study (including any
22 institution of higher education, as such term is
23 defined in section 102) and receives any Fed-
24 eral funding or assistance; and

1 “(B) includes an authorized agent of the
2 educational institution (including an alumni as-
3 sociation, booster club, or other organization di-
4 rectly or indirectly authorized by such institu-
5 tion) or an employee of such institution.

6 “(2) EDUCATIONAL LOAN.—The term ‘edu-
7 cational loan’ (except when used as part of the term
8 ‘private educational loan’) means—

9 “(A) any loan made, insured, or guaran-
10 teed under title IV; or

11 “(B) a private educational loan (as defined
12 in paragraph (6)).

13 “(3) PREFERRED LENDER ARRANGEMENT.—
14 The term ‘preferred lender arrangement’—

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

17 “(i) under which arrangement or
18 agreement a lender provides or otherwise
19 issues educational loans to the students at-
20 tending the covered institution or the par-
21 ents of such students; and

22 “(ii) which arrangement or agreement
23 relates to the covered institution recom-
24 mending, promoting, or endorsing the edu-
25 cational loan product of the lender; and

1 “(B) does not include—

2 “(i) arrangements or agreements with
3 respect to loans under parts D or E of title
4 IV; or

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

7 “(4) LENDER.—

8 “(A) IN GENERAL.—The term ‘lender’—

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

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

14 “(B) INCORPORATION OF TILA DEFINI-
15 TIONS.—The terms ‘creditor’, ‘dwelling’ and
16 ‘open end credit plan’ have the meanings given
17 such terms in section 103 of the Truth in
18 Lending Act (15 U.S.C. 1602).

19 “(5) OFFICER.—The term ‘officer’ includes a
20 director or trustee of an institution, if such indi-
21 vidual is treated as an employee of the covered insti-
22 tution.

23 “(6) PRIVATE EDUCATIONAL LOAN.—The term
24 ‘private educational loan’ means a private loan pro-
25 vided by a lender that—

1 “(A) is not made, insured, or guaranteed
2 under title IV; and

3 “(B) is issued by a lender expressly for
4 postsecondary educational expenses to a stu-
5 dent, or the parent of the student, regardless of
6 whether the loan involves enrollment certifi-
7 cation by the educational institution that the
8 student attends.

9 “(7) POSTSECONDARY EDUCATIONAL EX-
10 PENSES.—The term ‘postsecondary educational ex-
11 penses’ means any of the expenses that are included
12 as part of a student’s cost of attendance, as defined
13 under section 472.

14 **“SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITU-**
15 **TIONS PARTICIPATING IN PREFERRED LEND-**
16 **ER ARRANGEMENTS.**

17 “(a) CERTIFICATION BY LENDERS.—In addition to
18 any other disclosure required under Federal law, each
19 lender that participates in one or more preferred lender
20 arrangements shall annually certify its compliance with
21 the requirements of this Act. Such compliance of such pre-
22 ferred lender arrangement shall be reported on and at-
23 tested to annually by the auditor of such lender in the
24 audit conducted pursuant to section 428(b)(1)(U)(iii).

1 “(b) PROVISION OF LOAN INFORMATION.—A lender
2 may not provide a private educational loan to a student
3 attending a covered institution with which the lender has
4 a preferred lender arrangement, or the parent of such stu-
5 dent, until the covered institution has informed the stu-
6 dent or parent of their remaining options for borrowing
7 under title IV, including information on any terms and
8 conditions of available loans under such title that may be
9 more favorable to the borrower.

10 “(c) USE OF INSTITUTION NAME.—

11 “(1) IN GENERAL.—A covered institution that
12 has entered into a preferred lender arrangement
13 with a lender regarding private educational loans
14 shall not agree to the lender’s use of the name, em-
15 blem, mascot, or logo of the institution, or other
16 words, pictures, or symbols readily identified with
17 the institution, in the marketing of private edu-
18 cational loans to the students attending the institu-
19 tion in any way that implies that the institution en-
20 dors the private educational loans offered by the
21 lender.

22 “(2) APPLICABILITY.—Paragraph (1) shall
23 apply to any preferred lender arrangement, or exten-
24 sion of such arrangement, entered into or renewed

1 after the date of enactment of the College Oppor-
2 tunity and Affordability 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
9 College Opportunity and Affordability Act of 2007,
10 the 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
14 loans, after consulting with students, represent-
15 atives of covered institutions (including finan-
16 cial aid administrators, registrars, and business
17 officers), lenders, loan servicers, and guaranty
18 agencies;

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

23 “(i) will be easy for students and par-
24 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
8 educational loans;

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

11 “(I) students;

12 “(II) representatives of covered
13 institutions, including financial aid
14 administrators, registrars, business of-
15 ficers, 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 pri-
21 vate educational loans, the Board of
22 Governors of the Federal Reserve Sys-
23 tem;

24 “(v) provides information on the ap-
25 plicable interest rates and other terms and

1 conditions of the educational loans pro-
2 vided by a lender to students attending the
3 institution, or the parents of such stu-
4 dents, disaggregated by each type of edu-
5 cational loan (including opportunity pools
6 as defined in section 155(f)) provided to
7 such students or parents by the lender, in-
8 cluding—

9 “(I) the rate of interest, or the
10 potential range of rates of interest,
11 applicable to the loan, and whether
12 such rates are fixed or variable;

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

17 “(III) co-borrower requirements,
18 including changes in interest rates;

19 “(IV) any fees associated with
20 the loan;

21 “(V) the repayment terms avail-
22 able on the loan;

23 “(VI) the opportunity for
24 deferment or forbearance in repay-
25 ment of the loan, including whether

1 the loan payments can be deferred if
2 the student is in school;

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

8 “(VIII) the annual percentage
9 rate for such loans, computed deter-
10 mined in the manner required under
11 section 107 of the Truth in Lending
12 Act (15 U.S.C. 1606);

13 “(IX) an example of the total
14 cost of the educational loan over the
15 life of the loan which shall be cal-
16 culated—

17 “(aa) using a principal
18 amount and the maximum rate of
19 interest actually offered by the
20 lender; and

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

1 “(X) the consequences for the
2 borrower of defaulting on a loan, in-
3 cluding any limitations on the dis-
4 charge of an educational loan in bank-
5 ruptcy;

6 “(XI) contact information for the
7 lender; and

8 “(XII) any philanthropic con-
9 tributions made by the lender to the
10 covered institution, including the pur-
11 pose of the contribution and any con-
12 ditions related to its use; and

13 “(vi) provides, in addition, with re-
14 spect to private educational loans, the fol-
15 lowing information with respect to loans
16 made by each lender recommended by the
17 covered institution:

18 “(I) the method of determining
19 the interest rate of the loan;

20 “(II) potential finance charges,
21 late fees, penalties, and adjustments
22 to principal, based on defaults or late
23 payments of the borrower; and

24 “(III) such other information as
25 the Secretary may require; and

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

3 “(ii) make the report and model disclosure
4 form available to covered institutions, lenders,
5 and the public.

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

10 “(A) assess the adequacy of the model dis-
11 closure form;

12 “(B) after consulting with students, rep-
13 resentatives of covered institutions (including fi-
14 nancial aid administrators, registrars, business
15 officers, and student affairs officials), lenders,
16 loan servicers, guaranty agencies, and the
17 Board of Governors of the Federal Reserve Sys-
18 tem—

19 “(i) prepare a list of any improve-
20 ments to the model disclosure form that
21 have been identified as beneficial to bor-
22 rowers; and

23 “(ii) update the model disclosure form
24 after taking such improvements into con-
25 sideration; and

1 “(C)(i) submit the list of improvements
2 and updated model disclosure form to the au-
3 thorizing committees; and

4 “(ii) make updated model disclosure form
5 available to covered institutions, lenders, and
6 the public.

7 “(3) USE OF FORM.—The Secretary shall take
8 such steps as necessary to make the model disclo-
9 sure form, and any updated model disclosure form,
10 available to covered institutions and to encourage—

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

15 “(B) covered institutions to use such for-
16 mat in preparing the information reported
17 under subsection (c).

18 “(4) PROCEDURES.—Sections 482(c) and 492
19 of this Act shall not apply to the model disclosure
20 form in the regulations prescribed under paragraph
21 (1)(B), but shall apply to the updating of such form
22 under paragraph (2).

23 “(b) LENDER DUTIES.—Each lender that has a pre-
24 ferred lender arrangement with a covered institution shall,
25 by August 1 of each year, provide to the covered institu-

1 tion and to the Secretary the information included on the
2 model disclosure form or an updated model disclosure
3 form (if available) for each type of educational loan (in-
4 cluding opportunity pools as defined in section 155(f)) to
5 be offered by the lender to students attending the covered
6 institution, or the parents of such students, for the forth-
7 coming academic year.

8 “(c) COVERED INSTITUTION REPORTS.—Each cov-
9 ered institution shall—

10 “(1) prepare and submit to the Secretary an
11 annual report, by a date determined by the Sec-
12 retary, that includes, for each lender that has a pre-
13 ferred lender arrangement with the covered institu-
14 tion and that has submitted to the institution the in-
15 formation required under subsection (b)—

16 “(A) the information included on the
17 model disclosure form or updated model disclo-
18 sure form (if available) for each type of edu-
19 cational loan provided by the lender to students
20 attending the covered institution, or the parents
21 of such students; and

22 “(B) a detailed explanation of why the cov-
23 ered institution believes the terms and condi-
24 tions of each type of educational loan provided
25 pursuant to the agreement are beneficial for

1 students attending the covered institution, or
2 the parents of such students; and

3 “(2) ensure that the report required under
4 paragraph (1) is made available to the public and
5 provided to students attending or planning to attend
6 the covered institution, and the parents of such stu-
7 dents, in time for the student or parent to take such
8 information into account before applying for or se-
9 lecting an educational loan.

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

13 “(1) a statement that—

14 “(A) indicates that students are not lim-
15 ited to or required to use the lenders the insti-
16 tution recommends; and

17 “(B) the institution is required to process
18 the documents required to obtain a Federal
19 educational loan from any eligible lender the
20 student selects;

21 “(2) at a minimum, all of the information pro-
22 vided by the model disclosure form prescribed under
23 subsection (a)(1)(B), or updated model disclosure
24 form (if available), with respect to any lender rec-
25 ommended by the institution for Federal educational

1 loans and, as applicable, private educational loans
2 (including opportunity pools as defined in section
3 155(f));

4 “(3) the maximum amount of Federal grant
5 and loan aid available to students in an easy-to-un-
6 derstand format; and

7 “(4) the institution’s cost of attendance (as de-
8 termined under section 472).

9 “(e) **INFORMATIONAL MATERIALS.**—The informa-
10 tional materials described in this subsection are publica-
11 tions, mailings, or electronic messages or media distrib-
12 uted to prospective or current students and parents of stu-
13 dents that describe or discuss the financial aid opportuni-
14 ties available to students at an institution of higher edu-
15 cation.

16 **“SEC. 154. PRIVATE EDUCATIONAL LOAN DISCLOSURE RE-**
17 **QUIREMENTS FOR COVERED INSTITUTIONS.**

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

22 “(1) inform the student or parent of—

23 “(A) the student or parent’s eligibility for
24 assistance and loans under title IV; and

1 “(B) the terms and conditions of such pri-
2 vate educational loan that may be less favorable
3 than the terms and conditions of educational
4 loans for which the student or parent is eligible,
5 including interest rates, repayment options, and
6 loan forgiveness; and

7 “(2) ensure that information regarding such
8 private educational loan is presented in such a man-
9 ner as to be distinct from information regarding
10 loans that are made, insured, or guaranteed under
11 title IV.

12 **“SEC. 155. INTEGRITY PROVISIONS.**

13 “(a) INSTITUTION CODE OF CONDUCT REQUIRED.—

14 “(1) CODE OF CONDUCT.—Each institution of
15 higher education that participates in the Federal
16 student loan programs under title IV or has stu-
17 dents that obtain private educational loans shall—

18 “(A) develop a code of conduct in accord-
19 ance with paragraph (2) with which its officers,
20 employees, and agents shall comply with respect
21 to educational loans;

22 “(B) publish the code of conduct promi-
23 nently on its website; and

1 “(C) administer and enforce such code in
2 accordance with the requirements of this sub-
3 section.

4 “(2) CONTENTS OF CODE.—The code required
5 by this section shall—

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

9 “(B) at a minimum, include provisions in
10 compliance with the provisions of the following
11 subsections of this section.

12 “(3) TRAINING AND COMPLIANCE.—An institu-
13 tion of higher education shall administer and enforce
14 a code of conduct required by this section by, at a
15 minimum, requiring all of its officers, employees,
16 and agents with responsibilities with respect to edu-
17 cational loans to obtain training annually in compli-
18 ance with the code.

19 “(b) GIFT BAN.—

20 “(1) PROHIBITION.—No employee, officer, or
21 agent of a covered institution who is employed in the
22 financial aid office of the institution, or who other-
23 wise has responsibilities with respect to educational
24 loans shall solicit or accept any gift from a lender,
25 guarantor, or servicer of educational loans

1 “(2) INSPECTOR GENERAL REPORT.—The In-
2 specter General of the Department of Education
3 shall investigate any reported violation of this sub-
4 section and shall annually submit a report to the au-
5 thorizing committees identifying all substantiated
6 violations of the gift ban under paragraph (1), in-
7 cluding the lenders and covered institutions involved
8 in each such violation, for the preceding year.

9 “(3) DEFINITION OF GIFT.—

10 “(A) IN GENERAL.—In this subsection, the
11 term ‘gift’ means any gratuity, favor, discount,
12 entertainment, hospitality, loan, or other item
13 having a monetary value of more than a de-
14 minimus amount. The term includes a gift of
15 services, transportation, lodging, or meals,
16 whether provided in kind, by purchase of a tick-
17 et, payment in advance, or reimbursement after
18 the expense has been incurred.

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

21 “(i) Standard informational material
22 related to a loan or financial literacy, such
23 as a brochure.

24 “(ii) Food, refreshments, training, or
25 informational material furnished to an offi-

1 cer, employee, or agent of an institution as
2 an integral part of a training session that
3 is designed to improve the service of a
4 lender, guarantor, or servicer of edu-
5 cational loans to the covered institution, if
6 such training contributes to the profes-
7 sional development of the officer, employee,
8 or agent of the institution.

9 “(iii) Favorable terms, conditions, and
10 borrower benefits on an educational loan
11 provided to a student employed by the cov-
12 ered institution if such terms, conditions,
13 or benefits are comparable to those pro-
14 vided to all students of the institution.

15 “(iv) Exit counseling services provided
16 to borrowers to meet a covered institution’s
17 responsibilities for exit counseling as re-
18 quired by section 485(b) provided that—

19 “(I) a covered institution’s staff
20 are in control of the counseling
21 (whether in person or via electronic
22 capabilities); and

23 “(II) such counseling does not
24 promote the products or services of
25 any lender.

1 “(v) Philanthropic contributions to a
2 covered institution from a lender, guar-
3 antor, or servicer of educational loans that
4 are unrelated to educational loans, pro-
5 vided, as applicable, that such contribu-
6 tions are disclosed pursuant to section
7 153(a)(1) and section 153(a)(2).

8 “(C) RULE FOR GIFTS TO FAMILY MEM-
9 BERS.—For purposes of this section, a gift to
10 a family member of an officer, employee, or
11 agent of a covered institution, or a gift to any
12 other individual based on that individual’s rela-
13 tionship with the officer, employee, or agent,
14 shall be considered a gift to the officer, em-
15 ployee, or agent if—

16 “(i) the gift is given with the knowl-
17 edge and acquiescence of the officer, em-
18 ployee, or agent; and

19 “(ii) the officer, employee, or agent
20 has reason to believe the gift was given be-
21 cause of the official position of the officer,
22 employee, or agent.

23 “(c) CONTRACTING ARRANGEMENTS PROHIBITED.—

24 “(1) PROHIBITION.—An officer, employee, or
25 agent who is employed in the financial aid office of

1 a covered institution, or who otherwise has respon-
2 sibilities with respect to educational loans, shall not
3 accept from any lender or affiliate of any lender (as
4 the term affiliate is defined in section 487(a)) any
5 fee, payment, or other financial benefit (including
6 the opportunity to purchase stock) as compensation
7 for any type of consulting arrangement or other con-
8 tract to provide services to a lender or on behalf of
9 a lender.

10 “(2) EXCEPTIONS.—Nothing in this subsection
11 shall be construed as prohibiting—

12 “(A) an officer, employee, or agent of a
13 covered institution who is not employed in the
14 institution’s financial aid office, or who does not
15 otherwise have responsibilities with respect to
16 educational loans, from paid or unpaid service
17 on a board of directors of a lender, guarantor,
18 or servicer of educational loans; or

19 “(B) an officer, employee, or agent of a
20 lender, guarantor, or servicer of educational
21 loans from serving on a board of directors or
22 trustees of a covered institution, provided that
23 the covered institution has a written conflict of
24 interest policy that clearly sets forth the proce-
25 dures to be followed in instances where such a

1 director's or trustee's personal or business in-
2 terests with respect to educational loans may be
3 advanced by an action of the board of directors
4 or trustees, including a provision that such a
5 board member or trustee may not participate in
6 any decision to approve any transaction where
7 such conflicting interests may be advanced.

8 “(d) BAN ON REVENUE SHARING ARRANGEMENTS.—

9 “(1) PROHIBITION.—A covered institution shall
10 not enter into any revenue sharing arrangement with
11 any lender.

12 “(2) DEFINITION.—For purposes of this sub-
13 section, a revenue sharing arrangement is an ar-
14 rangement between a covered institution and a lend-
15 er under which—

16 “(A) a lender provides or issues edu-
17 cational loans to students attending the institu-
18 tion or to parents of such students; and

19 “(B)(i) the institution recommends the
20 lender or the loan products of the lender; and

21 “(ii) in exchange, the lender pays a fee or
22 provides other material benefits, including rev-
23 enue or profit sharing, to the institution or offi-
24 cers, employees, or agents of the institution.

25 “(e) BAN ON STAFFING ASSISTANCE.—

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

5 “(2) CERTAIN ASSISTANCE PERMITTED.—Noth-
6 ing in paragraph (1) shall be construed to prohibit
7 a covered institution from requesting or accepting
8 assistance from a lender related to—

9 “(A) professional development training for
10 financial aid administrators; or

11 “(B) providing educational counseling ma-
12 terials, financial literacy materials, or debt
13 management materials to borrowers, provided
14 that such materials disclose to borrowers the
15 identification of any lender that assisted in pre-
16 paring or providing such materials.

17 “(f) PROHIBITION ON OFFERS OF FUNDS FOR PRI-
18 VATE LOANS.—

19 “(1) PROHIBITION.—A covered institution shall
20 not request or accept from any lender any offer of
21 funds, including any opportunity pool, to be used for
22 private educational loans to students in exchange for
23 the covered institution providing concessions or
24 promises to the lender with respect to such institu-
25 tion providing the lender with a specified number of

1 loans, a specified loan volume, or a preferred lender
2 arrangement for any loan made, insured, or guaran-
3 teed under title IV, and a lender shall not make any
4 such offer.

5 “(2) DEFINITION.—In this subsection, the term
6 ‘opportunity pool’ means an educational loan made
7 by a private lender to a student attending the cov-
8 ered institution or the parent of such a student that
9 is in any manner guaranteed by a covered institu-
10 tion, or that involves a payment, directly or indi-
11 rectly, by such an institution of points, premiums,
12 payments, additional interest, or other financial sup-
13 port to such lender for the purpose of such lender
14 extending credit to either the students or the par-
15 ents of students of the institution.

16 “(g) BAN ON PARTICIPATION ON ADVISORY COUN-
17 CILS.—An officer, employee, or agent who is employed in
18 the financial aid office of a covered institution, or who oth-
19 erwise has responsibilities with respect to educational
20 loans, shall not serve on or otherwise participate with advi-
21 sory councils of lenders or affiliates of lenders. Nothing
22 in this subsection shall prohibit lenders from seeking ad-
23 vice from covered institutions or groups of covered institu-
24 tions (including through telephonic or electronic means,
25 or a meeting) in order to improve products and services

1 for borrowers, provided there are no gifts or compensation
2 (including for transportation, lodging, or related expenses)
3 provided by lenders in connection with seeking this advice
4 from such institutions. Nothing in this subsection shall
5 prohibit an employee, officer, or agent of a covered institu-
6 tion from serving on the board of directors of a lender
7 if required by State law.

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

9 “(a) **CONDITION OF ANY FEDERAL ASSISTANCE.**—
10 Notwithstanding any other provision of law, a covered in-
11 stitution or lender shall comply with this part as a condi-
12 tion of receiving Federal funds or assistance provided after
13 the date of enactment of the College Opportunity and Af-
14 fordability Act of 2007.

15 “(b) **PENALTIES.**—Notwithstanding any other provi-
16 sion of law, if the Secretary determines, after providing
17 notice and an opportunity for a hearing for a covered insti-
18 tution or lender, that the covered institution or lender has
19 violated subsection (a)—

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

24 “(2) in the case of a lender that does partici-
25 pate in a program under title IV, the Secretary may

1 limit, terminate, or suspend the lender's participa-
2 tion in such program.

3 “(c) CONSIDERATIONS.—In taking any action against
4 a covered institution or lender under subsection (b), the
5 Secretary shall take into consideration the nature and se-
6 verity of the violation of subsection (a).”.

7 **SEC. 112. FEASIBILITY STUDY FOR NATIONAL ELECTRONIC**
8 **STUDENT LOAN MARKETPLACE.**

9 (a) STUDY REQUIRED.—The Secretary of Education
10 shall conduct a study of the feasibility of developing a Na-
11 tional Electronic Student Loan Marketplace that would
12 provide for one or more of the following:

13 (1) a registry of real-time information on Fed-
14 eral student loans (including loans under parts B
15 and D of title IV) and private educational loans (as
16 defined in section 151 of the Higher Education Act
17 of 1965 (as amended by this Act)) for both under-
18 graduate and graduate students, and parents of stu-
19 dents for use by prospective borrowers or any person
20 desiring information regarding available interest
21 rates, fees, and other terms from lenders;

22 (2) means by which lenders that participate in
23 such marketplace would be bound to honor adver-
24 tised rates or benefits;

1 (3) a mechanism whereby borrowers and stu-
2 dent financial aid officials could publicly post or oth-
3 erwise make available for users accessing the system
4 their comments, opinions, or ratings concerning their
5 experience as to the quality of lenders' loan products
6 and loan servicing and other measurements or indi-
7 cators of customer satisfaction;

8 (4) a mechanism whereby prospective borrowers
9 could be matched with lenders that offer highly com-
10 petitive products and loan servicing quality, includ-
11 ing any procedures and safeguards necessary to min-
12 imize potentially adverse effects of multiple inquiries
13 into participating borrowers' credit histories re-
14 corded by credit reporting agencies;

15 (5) options concerning the establishment and
16 ongoing maintenance of such a system, including
17 whether such system should be operated by one or
18 more nonprofit or for-profit entities, how these enti-
19 ties should structure or organize such a system in
20 order to provide the highest assurance of independ-
21 ence from, and the absence of any conflicting inter-
22 est with, lenders participating in such system, and
23 methods to finance such system at no or minimal
24 cost to consumers and the Government; and

1 (6) other features that the Secretary determines
2 could help prospective borrowers make informed de-
3 cisions in selecting lenders from whom to obtain
4 Federal and private educational loans.

5 (b) CONSULTATION.—In conducting the study re-
6 quired by this section, the Secretary of Education shall
7 consult with—

8 (1) the Federal Trade Commission;

9 (2) representatives of student loan borrowers;

10 (3) representatives from institutions of higher
11 education, including financial aid administrators,
12 registrars, business officers, and student affairs offi-
13 cials;

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

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

21 (c) REPORT.—Not later than 6 months after comple-
22 tion of the model interest rate report format required
23 under section 153(a)(1) of the Higher Education Act of
24 1965 (as amended by this Act), the Secretary of Edu-
25 cation shall submit a report to the authorizing committees

1 concerning the findings of the feasibility study together
2 with an assessment of the advantages and disadvantages
3 for consumers, institutions of higher education, lenders,
4 and the government of establishing such a system.

5 **TITLE II—TITLE II REVISION**

6 **SEC. 201. REVISION OF TITLE II.**

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

9 **“TITLE II—TEACHER QUALITY** 10 **ENHANCEMENT**

11 **“SEC. 200. DEFINITIONS.**

12 “For purposes of this title:

13 “(1) ARTS AND SCIENCES.—The term ‘arts and
14 sciences’ means—

15 “(A) when referring to an organizational
16 unit of an institution of higher education, any
17 academic unit that offers 1 or more academic
18 majors in disciplines or content areas cor-
19 responding to the academic subject matter
20 areas in which teachers provide instruction; and

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

1 “(2) CHILDREN FROM LOW-INCOME FAMI-
2 LIES.—The term ‘children from low-income families’
3 means children as described in section 1124(c)(1)(A)
4 of the Elementary and Secondary Education Act of
5 1965.

6 “(3) CORE ACADEMIC SUBJECTS.—The term
7 ‘core academic subjects’ has the meaning given the
8 term in section 9101 of the Elementary and Sec-
9 ondary Education Act of 1965.

10 “(4) EARLY CHILDHOOD EDUCATION PRO-
11 GRAM.—The term ‘early childhood education pro-
12 gram’ means—

13 “(A) a Head Start program or an Early
14 Head Start program carried out under the
15 Head Start Act (42 U.S.C. 9831 et seq.);

16 “(B) a State licensed or regulated child
17 care program or school; or

18 “(C) a State prekindergarten program that
19 serves children from birth through kindergarten
20 and that addresses the children’s cognitive (in-
21 cluding language, early literacy, and pre-
22 numeracy), social, emotional, and physical de-
23 velopment.

24 “(5) EARLY CHILDHOOD EDUCATOR.—The
25 term ‘early childhood educator’ means an individual

1 with primary responsibility for the education of chil-
2 dren in an early childhood education program.

3 “(6) EDUCATIONAL SERVICE AGENCY.—The
4 term ‘educational service agency’ has the meaning
5 given the term in section 9101 of the Elementary
6 and Secondary Education Act of 1965.

7 “(7) ESSENTIAL COMPONENTS OF READING IN-
8 STRUCTION.—The term ‘essential components of
9 reading instruction’ has the meaning given such
10 term in section 1208 of the Elementary and Sec-
11 ondary Education Act of 1965.

12 “(8) EXEMPLARY TEACHER.—The term ‘exem-
13 plary teacher’ has the meaning given such term in
14 section 9101 of the Elementary and Secondary Edu-
15 cation Act of 1965.

16 “(9) HIGH-NEED EARLY CHILDHOOD EDU-
17 CATION PROGRAM.—The term ‘high-need early child-
18 hood education program’ means an early childhood
19 education program serving children from low-income
20 families that is located within the geographic area
21 served by a high-need local educational agency.

22 “(10) HIGH-NEED LOCAL EDUCATIONAL AGEN-
23 CY.—The term ‘high-need local educational agency’
24 means a local educational agency—

1 “(A)(i) for which not less than 20 percent
2 of the children served by the agency are chil-
3 dren from low-income families;

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

6 “(iii) with a total of less than 600 students
7 in average daily attendance at the schools that
8 are served by the agency and all of whose
9 schools are designated with a school locale code
10 of Rural: Fringe, Rural: Distant, or Rural: Re-
11 mote, as determined by the Secretary; and

12 “(B)(i) for which there is a high percent-
13 age of teachers not teaching in the academic
14 subject areas or grade levels in which the teach-
15 ers were trained to teach; or

16 “(ii) for which there is a high teacher
17 turnover rate or a high percentage of teachers
18 with emergency, provisional, or temporary cer-
19 tification or licensure.

20 “(11) HIGH-NEED SCHOOL.—Notwithstanding
21 section 103, the term ‘high-need school’ means a
22 public elementary school or public secondary school
23 that—

24 “(A) is among the highest 25 percent of
25 schools served by the local educational agency

1 that serves the school, in terms of the percent-
2 age of students from families with incomes
3 below the poverty line; or

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

7 “(12) HIGHLY COMPETENT.—The term ‘highly
8 competent’, when used with respect to an early
9 childhood educator, means an educator—

10 “(A) with specialized education and train-
11 ing in development and education of young chil-
12 dren from birth until entry into kindergarten;

13 “(B) with—

14 “(i) a baccalaureate degree in an aca-
15 demic major in the arts and sciences; or

16 “(ii) an associate’s degree in a related
17 educational area; and

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

22 “(13) HIGHLY QUALIFIED.—The term ‘highly
23 qualified’ has the meaning given such term in sec-
24 tion 9101 of the Elementary and Secondary Edu-
25 cation Act of 1965 and, with respect to special edu-

1 cation teachers, in section 602 of the Individuals
2 with Disabilities Education Act.

3 “(14) INDUCTION PROGRAM.—The term ‘induc-
4 tion program’ means a formalized program for new
5 teachers during not less than the teachers’ first 2
6 years of teaching that is designed to provide support
7 for, and improve the professional performance and
8 advance the retention in the teaching field of, begin-
9 ning teachers. Such program shall promote effective
10 teaching skills and shall include the following compo-
11 nents:

12 “(A) High-quality teacher mentoring.

13 “(B) Periodic, structured time for collabo-
14 ration with mentor teachers in the same depart-
15 ment or field, as well as time for information-
16 sharing among teachers, principals, administra-
17 tors, and participating faculty in the partner in-
18 stitution.

19 “(C) The application of empirically based
20 practice and scientifically valid research on in-
21 structional practices.

22 “(D) Opportunities for new teachers to
23 draw directly upon the expertise of teacher
24 mentors, faculty, and researchers to support the

1 integration of empirically based practice and
2 scientifically valid research with practice.

3 “(E) The development of skills in instruc-
4 tional and behavioral interventions derived from
5 empirically based practice and, where applica-
6 ble, scientifically valid research.

7 “(F) Faculty who—

8 “(i) model the integration of research
9 and practice in the classroom; and

10 “(ii) assist new teachers with the ef-
11 fective use and integration of technology in
12 the classroom.

13 “(G) Interdisciplinary collaboration among
14 exemplary teachers, faculty, researchers, and
15 other staff who prepare new teachers on the
16 learning process and the assessment of learn-
17 ing.

18 “(H) Assistance with the understanding of
19 data, particularly student achievement data,
20 and the data’s applicability in classroom in-
21 struction.

22 “(I) Structured and formal observation of
23 new teachers, and feedback for such teachers,
24 at least 4 times each school year by multiple
25 evaluators, including master teachers and the

1 principal, using valid and reliable benchmarks
2 of teaching skills and standards developed with
3 input from teachers.

4 “(15) LITERACY COACH.—The term ‘literacy
5 coach’ means a professional—

6 “(A) who—

7 “(i) has teaching experience and a
8 master’s degree with a concentration in
9 reading and writing education;

10 “(ii) has demonstrated proficiency as
11 determined by the principal of the individ-
12 ual’s school in teaching reading and writ-
13 ing in a content area such as math,
14 science, or social studies;

15 “(B) whose primary role with teachers and
16 school personnel is to—

17 “(i) provide high-quality professional
18 development opportunities for teachers and
19 school personnel related to literacy;

20 “(ii) with respect to the areas of read-
21 ing and writing, collaborate with para-
22 professionals, teachers, principals, and
23 other administrators, and the community
24 served by the school; and

1 “(iii) work cooperatively and collabo-
2 ratively with other professionals in plan-
3 ning programs to meet the needs of diverse
4 population learners, including children with
5 disabilities and limited English proficient
6 individuals; and

7 “(C) who may provide students with—

8 “(i) reading or writing diagnosis, in-
9 struction, and assessment; and

10 “(ii) reading and writing assessment,
11 in cooperation with other professionals
12 (such as special education teachers, speech
13 and language teachers, and school psy-
14 chologists).

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

20 “(17) PROFESSIONAL DEVELOPMENT.—The
21 term ‘professional development’ has the meaning
22 given the term in section 9101 of the Elementary
23 and Secondary Education Act of 1965.

24 “(18) SCIENTIFICALLY VALID RESEARCH.—The
25 term ‘scientifically valid research’ includes applied

1 research, basic research, and field-initiated research
2 in which the rationale, design, and interpretation are
3 soundly developed in accordance with accepted prin-
4 ciples of scientific research.

5 “(19) TEACHER MENTORING.—The term
6 ‘teacher mentoring’ means the mentoring of new or
7 prospective teachers through a new or established
8 program that—

9 “(A) includes clear criteria for the selec-
10 tion of teacher mentors who will provide role
11 model relationships for mentees, which criteria
12 shall be developed by the eligible partnership
13 and based on measures of teacher effectiveness;

14 “(B) provides high-quality training for
15 such mentors, including instructional strategies
16 for literacy instruction and classroom manage-
17 ment;

18 “(C) provides regular and ongoing oppor-
19 tunities for mentors and mentees to observe
20 each other’s teaching methods in classroom set-
21 tings during the day in a high-need school in
22 the high-need local educational agency in the el-
23 igible partnership;

24 “(D) provides paid release time for men-
25 tors;

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

4 “(F) promotes empirically based practice
5 of, and scientifically valid research on, where
6 applicable—

7 “(i) teaching and learning;

8 “(ii) assessment of student learning;

9 “(iii) the development of teaching
10 skills through the use of instructional and
11 behavioral interventions; and

12 “(iv) the improvement of the mentees’
13 capacity to measurably advance student
14 learning; and

15 “(G) includes—

16 “(i) common planning time or regu-
17 larly scheduled collaboration for the men-
18 tor and mentee; and

19 “(ii) joint professional development
20 opportunities.

21 “(20) TEACHING SKILLS.—The term ‘teaching
22 skills’ means skills that enable a teacher to—

23 “(A) increase student learning, achieve-
24 ment, and the ability to apply knowledge;

1 “(B) effectively convey and explain aca-
2 demic subject matter;

3 “(C) employ strategies grounded in the
4 disciplines of teaching and learning that—

5 “(i) are based on empirically based
6 practice and scientifically valid research,
7 where applicable, on teaching and learning;

8 “(ii) are specific to academic subject
9 matter; and

10 “(iii) focus on the identification of
11 students’ specific learning needs, particu-
12 larly students with disabilities, students
13 who are limited English proficient, stu-
14 dents who are gifted and talented, and stu-
15 dents with low literacy levels, and the tai-
16 loring of academic instruction to such
17 needs;

18 “(D) conduct an ongoing assessment of
19 student learning, which may include the use of
20 formative assessments, performance-based as-
21 sessments, project-based assessments, or port-
22 folio assessments, that measure higher-order
23 thinking skills, including application, analysis,
24 synthesis, and evaluation;

1 “(E) effectively manage a classroom, in-
2 cluding the ability to implement positive behav-
3 ioral intervention support strategies;

4 “(F) communicate and work with parents
5 and guardians, and involve parents and guard-
6 ians in their children’s education; and

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

11 “(21) TEACHING RESIDENCY PROGRAM.—The
12 term ‘teaching residency program’ means a school-
13 based teacher preparation program in which a pro-
14 spective teacher—

15 “(A) for 1 academic year, teaches along-
16 side a mentor teacher, who is the teacher of
17 record;

18 “(B) receives concurrent instruction during
19 the year described in subparagraph (A) from
20 the partner institution, which courses may be
21 taught by local educational agency personnel or
22 residency program faculty, in the teaching of
23 the content area in which the teacher will be-
24 come certified or licensed;

25 “(C) acquires effective teaching skills; and

1 “(D) prior to completion of the program,
2 earns a master’s degree, attains full State
3 teacher certification or licensure, and becomes
4 highly qualified.

5 **“PART A—TEACHER QUALITY PARTNERSHIP**
6 **GRANTS**

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

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

9 “(1) improve student achievement;

10 “(2) improve the quality of the current and fu-
11 ture teaching force by improving the preparation of
12 prospective teachers and enhancing professional de-
13 velopment activities;

14 “(3) hold teacher preparation programs at in-
15 stitutions of higher education accountable for pre-
16 paring highly qualified teachers; and

17 “(4) recruit highly qualified individuals, includ-
18 ing minorities and individuals from other occupa-
19 tions, into the teaching force.

20 “(b) DEFINITIONS.—In this part:

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

23 “(A) shall include—

24 “(i) a high-need local educational
25 agency;

1 “(ii) a high-need school or a consor-
2 tium of high-need schools served by the
3 high-need local educational agency or, as
4 applicable, a high-need early childhood
5 education program;

6 “(iii) a partner institution;

7 “(iv) a school, department, or pro-
8 gram of education within such partner in-
9 stitution; and

10 “(v) a school or department of arts
11 and sciences within such partner institu-
12 tion; and

13 “(B) may include any of the following:

14 “(i) The Governor of the State.

15 “(ii) The State educational agency.

16 “(iii) The State board of education.

17 “(iv) The State agency for higher edu-
18 cation.

19 “(v) A business.

20 “(vi) A public or private nonprofit
21 educational organization.

22 “(vii) An educational service agency.

23 “(viii) A teacher organization.

24 “(ix) A high-performing local edu-
25 cational agency, or a consortium of such

1 local educational agencies, that can serve
2 as a resource to the partnership.

3 “(x) A charter school (as defined in
4 section 5210 of the Elementary and Sec-
5 ondary Education Act of 1965).

6 “(xi) A school or department within
7 the partner institution that focuses on psy-
8 chology and human development.

9 “(xii) A school or department within
10 the partner institution with comparable ex-
11 pertise in the disciplines of teaching, learn-
12 ing, and child and adolescent development.

13 “(2) PARTNER INSTITUTION.—The term ‘part-
14 ner institution’ means an institution of higher edu-
15 cation, which may include a 2-year institution of
16 higher education offering a dual program with a 4-
17 year institution of higher education, participating in
18 an eligible partnership that has a teacher prepara-
19 tion program—

20 “(A) whose graduates exhibit strong per-
21 formance on State-determined qualifying assess-
22 ments for new teachers through—

23 “(i) demonstrating that 80 percent or
24 more of the graduates of the program who
25 intend to enter the field of teaching have

1 passed all of the applicable State qualifica-
2 tion assessments for new teachers, which
3 shall include an assessment of each pro-
4 spective teacher's subject matter knowledge
5 in the content area in which the teacher in-
6 tends to teach; or

7 “(ii) being ranked among the highest-
8 performing teacher preparation programs
9 in the State as determined by the State—

10 “(I) using criteria consistent with
11 the requirements for the State report
12 card under section 205(b); and

13 “(II) using the State report card
14 on teacher preparation required under
15 section 205(b), after the first publica-
16 tion of such report card and for every
17 year thereafter; or

18 “(B) that requires—

19 “(i) each student in the program to
20 meet and demonstrate high academic
21 standards (including prior to entering and
22 being accepted into a program) and par-
23 ticipate in intensive clinical experience;

1 “(ii) each student in the program pre-
2 paring to become a teacher to become
3 highly qualified; and

4 “(iii) each student in the program
5 preparing to become an early childhood ed-
6 ucator to meet degree requirements, as es-
7 tablished by the State, and become highly
8 competent.

9 **“SEC. 202. PARTNERSHIP GRANTS.**

10 “(a) PROGRAM AUTHORIZED.—From amounts made
11 available under section 209, the Secretary is authorized
12 to award grants, on a competitive basis, to eligible part-
13 nerships, to enable the eligible partnerships to carry out
14 the activities described in subsection (c).

15 “(b) APPLICATION.—Each eligible partnership desir-
16 ing a grant under this section shall submit an application
17 to the Secretary at such time, in such manner, and accom-
18 panied by such information as the Secretary may require.
19 Each such application shall contain—

20 “(1) a needs assessment of all the partners in
21 the eligible partnership with respect to the prepara-
22 tion, ongoing training, professional development, and
23 retention, of general and special education teachers,
24 principals, and, as applicable, early childhood edu-
25 cators;

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

4 “(3) a description of how the program will pre-
5 pare prospective and new teachers to use research
6 and data to modify and improve instruction in the
7 classroom;

8 “(4) a description of how the partnership will
9 coordinate strategies and activities assisted under
10 the grant with other teacher preparation or profes-
11 sional development programs, including those funded
12 under the Elementary and Secondary Education Act
13 of 1965 and the Individuals with Disabilities Edu-
14 cation Act, and through the National Science Foun-
15 dation, and how the activities of the partnership will
16 be consistent with State, local, and other education
17 reform activities that promote student achievement;

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

20 “(A) the integration of funds from other
21 related sources;

22 “(B) the intended use of the grant funds;

23 “(C) the commitment of the resources of
24 the partnership to the activities assisted under
25 this section, including financial support, faculty

1 participation, and time commitments, and to
2 the continuation of the activities when the grant
3 ends;

4 “(6) a description of—

5 “(A) how the partnership will meet the
6 purposes of this part;

7 “(B) how the partnership will carry out
8 the activities required under subsection (d) or
9 (e) based on the needs identified in paragraph
10 (1), with the goal of improving student achieve-
11 ment;

12 “(C) the partnership’s evaluation plan
13 under section 204(a);

14 “(D) how the partnership will align the
15 teacher preparation program with the—

16 “(i) State early learning standards for
17 early childhood education programs, as ap-
18 propriate, and with the relevant domains of
19 early childhood development; and

20 “(ii) the student academic achieve-
21 ment standards and academic content
22 standards under section 1111(b)(2) of the
23 Elementary and Secondary Education Act
24 of 1965, established by the State in which
25 the partnership is located;

1 “(E) how the partnership will prepare gen-
2 eral education teachers to teach students with
3 disabilities, including training related to partici-
4 pation as a member of individualized education
5 program teams, as defined in the Individuals
6 with Disabilities Education Act;

7 “(F) how faculty at the partner institution
8 will work with, during the term of the grant,
9 highly qualified teachers in the classrooms of
10 schools served by the high-need local edu-
11 cational agency in the partnership to provide
12 high-quality professional development activities;

13 “(G) how the partnership will design, im-
14 plement, or enhance a year-long, rigorous, and
15 enriching teaching preservice clinical program
16 component;

17 “(H) the in-service professional develop-
18 ment strategies and activities to be supported;
19 and

20 “(I) how the partnership will collect, ana-
21 lyze, and use data on the retention of all teach-
22 ers and early childhood educators in schools
23 and early childhood programs located in the ge-
24 ographic area served by the partnership to

1 evaluate the effectiveness of the partnership's
2 teacher and educator support system; and

3 “(7) with respect to the induction program re-
4 quired as part of the activities carried out under this
5 section—

6 “(A) a demonstration that the schools and
7 departments within the institution of higher
8 education that are part of the induction pro-
9 gram have relevant and essential roles in the ef-
10 fective preparation of teachers, including con-
11 tent expertise and expertise in teaching;

12 “(B) a demonstration of the partnership's
13 capability and commitment to the use of empiri-
14 cally based practice and scientifically valid re-
15 search on teaching and learning, and the acces-
16 sibility to and involvement of faculty;

17 “(C) a description of how the teacher prep-
18 aration program will design and implement an
19 induction program to support all new teachers
20 through not less than the first 2 years of teach-
21 ing in the further development of the new
22 teachers' teaching skills, including the use of
23 mentors who are trained and compensated by
24 such program for the mentors' work with new
25 teachers; and

1 “(D) a description of how faculty involved
2 in the induction program will be able to sub-
3 stantially participate in an early childhood edu-
4 cation program or an elementary or secondary
5 school classroom setting, as applicable, includ-
6 ing release time and receiving workload credit
7 for such participation.

8 “(c) REQUIRED USE OF GRANT FUNDS.—An eligible
9 partnership that receives a grant under this part shall use
10 grant funds to carry out a program for the pre-bacca-
11 laureate preparation of teachers under subsection (d), a
12 teaching residency program under subsection (e), or both
13 such programs.

14 “(d) PARTNERSHIP GRANTS FOR PRE-BACCA-
15 LAUREATE PREPARATION OF TEACHERS.—An eligible
16 partnership that receives a grant to carry out an effective
17 program for the pre-baccalaureate preparation of teachers
18 shall carry out a program that includes all of the following:

19 “(1) REFORMS.—

20 “(A) IN GENERAL.—Implementing re-
21 forms, described in subparagraph (B), within
22 each teacher preparation program and, as appli-
23 cable, each preparation program for early child-
24 hood education programs, of the eligible part-

1 nership that is assisted under this section, to
2 hold each program accountable for—

3 “(i) preparing—

4 “(I) current or prospective teach-
5 ers to be highly qualified (including
6 teachers in rural school districts who
7 may teach multiple subjects, special
8 educators, teachers of students who
9 are limited English proficient who
10 may teach multiple subjects, and
11 teachers who are qualified to teach
12 Advanced Placement or International
13 Baccalaureate courses);

14 “(II) such teachers and, as appli-
15 cable, early childhood educators, to
16 understand empirically based practice
17 and scientifically valid research on
18 teaching and learning and its applica-
19 bility, and to use technology effec-
20 tively, including the use of instruc-
21 tional techniques and positive behav-
22 ioral support strategies to improve
23 student achievement; and

1 “(III) as applicable, early child-
2 hood educators to be highly com-
3 petent; and

4 “(ii) promoting strong teaching skills
5 and, as applicable, techniques for early
6 childhood educators to improve children’s
7 cognitive, social, emotional, and physical
8 development.

9 “(B) REQUIRED REFORMS.—The reforms
10 described in subparagraph (A) shall include—

11 “(i) implementing teacher preparation
12 program curriculum changes that improve,
13 evaluate, and assess how well all prospec-
14 tive and new teachers develop teaching
15 skills;

16 “(ii) using empirically based practice
17 and scientifically valid research, where ap-
18 plicable, about the disciplines of teaching
19 and learning so that all prospective teach-
20 ers and, as applicable, early childhood edu-
21 cators—

22 “(I) can understand and imple-
23 ment research-based teaching prac-
24 tices in classroom-based instruction;

1 “(II) have knowledge of student
2 learning methods;

3 “(III) possess skills to analyze
4 student academic achievement data
5 and other measures of student learn-
6 ing and use such data and measures
7 to improve instruction in the class-
8 room;

9 “(IV) possess teaching skills and
10 an understanding of effective instruc-
11 tional strategies across all applicable
12 content areas that enable general and
13 special education teachers and early
14 childhood educators to—

15 “(aa) meet the specific
16 learning needs of all students, in-
17 cluding students with disabilities,
18 students who are limited English
19 proficient, students who are gift-
20 ed and talented, students with
21 low literacy levels and, as appli-
22 cable, children in early childhood
23 education programs; and

24 “(bb) differentiate instruc-
25 tion for such students;

1 “(V) can effectively participate in
2 the individualized education program
3 process, as defined in the Individuals
4 with Disabilities Education Act;

5 “(VI) can successfully employ ef-
6 fective strategies for reading instruc-
7 tion using the essential components of
8 reading instruction;

9 “(iii) ensuring collaboration with de-
10 partments, programs, or units of a partner
11 institution outside of the teacher prepara-
12 tion program in all academic content areas
13 to ensure that new teachers receive train-
14 ing in both teaching and relevant content
15 areas in order to become highly qualified,
16 which may include training in multiple
17 subjects to teach multiple grade levels as
18 may be needed for individuals preparing to
19 teach in rural communities;

20 “(iv) developing and implementing an
21 induction program;

22 “(v) developing admissions goals and
23 priorities aligned with the hiring objectives
24 of the high-need local educational agency
25 in the eligible partnership; and

1 “(vi) implementing program cur-
2 riculum changes to prepare teachers to
3 teach Advanced Placement or International
4 Baccalaureate courses.

5 “(2) CLINICAL EXPERIENCE AND INTER-
6 ACTION.—Developing and improving a sustained and
7 high-quality pre-service clinical education program to
8 further develop the teaching skills of all prospective
9 teachers and, as applicable, early childhood edu-
10 cators, involved in the program. Such program shall
11 do the following:

12 “(A) Incorporate year-long opportunities
13 for enrichment activity or a combination of ac-
14 tivities, including—

15 “(i) clinical learning in classrooms in
16 high-need schools served by the high-need
17 local educational agency in the eligible
18 partnership and identified by the eligible
19 partnership; and

20 “(ii) closely supervised interaction be-
21 tween faculty and new and experienced
22 teachers, principals, and other administra-
23 tors at early childhood education programs
24 (as applicable), elementary schools, or sec-

1 ondary schools, and providing support for
2 such interaction.

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

8 “(C) Provide high-quality teacher men-
9 toring.

10 “(D)(i) Be offered over the course of a
11 program of teacher preparation;

12 “(ii) be tightly aligned with course work
13 (and may be developed as a 5th year of a teach-
14 er preparation program); and

15 “(iii) where feasible, allow prospective
16 teachers to learn to teach in the same school
17 district in which the teachers will work, learn-
18 ing the instructional initiatives and curriculum
19 of that district.

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

1 each individual's experience. Such support may
2 include—

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

6 “(ii) with respect to a faculty member,
7 receiving course workload credit and com-
8 pensation for time teaching in the eligible
9 partnership's activities; and

10 “(iii) with respect to a mentor, a sti-
11 pend, which may include bonus, differen-
12 tial, incentive, or merit or performance-
13 based pay.

14 “(3) INDUCTION PROGRAMS FOR NEW TEACH-
15 ERS.—Creating an induction program for new teach-
16 ers, or, in the case of an early childhood education
17 program, providing mentoring or coaching for new
18 early childhood educators.

19 “(4) SUPPORT AND TRAINING FOR PARTICI-
20 PANTS IN EARLY CHILDHOOD EDUCATION PRO-
21 GRAMS.—In the case of an eligible partnership fo-
22 cusing on early childhood educator preparation, im-
23 plementing initiatives that increase compensation for
24 early childhood educators who attain associate or
25 baccalaureate degrees in early childhood education.

1 “(5) TEACHER RECRUITMENT.—Developing and
2 implementing effective mechanisms (which may in-
3 clude alternative routes to State certification of
4 teachers) to ensure that the eligible partnership is
5 able to recruit qualified individuals to become highly
6 qualified teachers through the activities of the eligi-
7 ble partnership, which may include an emphasis on
8 recruiting into the teaching profession—

9 “(A) underrepresented populations;

10 “(B) individuals to teach in rural commu-
11 nities and teacher shortage areas designated by
12 the Secretary, including mathematics, science,
13 special education, and instruction of limited
14 English proficient students; and

15 “(C) mid-career professionals from other
16 occupations, former military personnel, and re-
17 cent college graduates with proven records of
18 academic distinction.

19 “(6) LITERACY TRAINING.—Developing and im-
20 plementing a program to strengthen content knowl-
21 edge and teaching skills of elementary and secondary
22 school literacy coaches that—

23 “(A) provides teacher training in reading
24 instruction for literacy coaches who—

1 “(i) train classroom teachers to imple-
2 ment literacy programs; or

3 “(ii) tutor students with intense indi-
4 vidualized reading, writing, and subject
5 matter instruction during or beyond the
6 school day;

7 “(B) develops or redesigns rigorous evi-
8 denced-based reading curricula that are aligned
9 with challenging State academic content stand-
10 ards, as required under section 1111(b)(1) of
11 the Elementary and Secondary Education Act
12 of 1965, and with postsecondary standards for
13 reading and writing;

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

18 “(D) provides training and professional de-
19 velopment for principals to prepare them to un-
20 derstand the teaching of reading, guide instruc-
21 tion, and foster school improvement; and

22 “(E) establishes an evaluation and ac-
23 countability plan for activities conducted under
24 this paragraph to measure the impact of such
25 activities.

1 “(e) PARTNERSHIP GRANTS FOR THE ESTABLISH-
2 MENT OF TEACHING RESIDENCY PROGRAMS.—

3 “(1) IN GENERAL.—An eligible partnership re-
4 ceiving a grant to carry out an effective teaching
5 residency program shall carry out a program that
6 includes all of the following activities:

7 “(A) Supporting a teaching residency pro-
8 gram described in paragraph (2) for high-need
9 subjects and areas, as determined by the needs
10 of the high-need local educational agency in the
11 partnership.

12 “(B) Modifying staffing procedures to pro-
13 vide greater flexibility for local educational
14 agency and school leaders to establish effective
15 school-level staffing in order to facilitate place-
16 ment of graduates of the teaching residency
17 program in cohorts that facilitate professional
18 collaboration, both among graduates of the
19 teaching residency program and between such
20 graduates and mentor teachers in the receiving
21 school.

22 “(C) Ensuring that teaching residents that
23 participated in the teaching residency program
24 receive—

1 “(i) effective preservice preparation as
2 described in paragraph (2);

3 “(ii) teacher mentoring;

4 “(iii) induction through the induction
5 program as the teaching residents enter
6 the classroom as new teachers; and

7 “(iv) the preparation described in sub-
8 paragraphs (A), (B), and (C) of subsection
9 (d)(2).

10 “(2) TEACHING RESIDENCY PROGRAMS.—

11 “(A) ESTABLISHMENT AND DESIGN.—A
12 teaching residency program under this para-
13 graph shall be a program based upon models of
14 successful teaching residencies that serves as a
15 mechanism to prepare teachers for success in
16 the high-need schools in the eligible partner-
17 ship, and shall be designed to include the fol-
18 lowing characteristics of successful programs:

19 “(i) The integration of pedagogy,
20 classroom practice, and teacher mentoring.

21 “(ii) Engagement of teaching resi-
22 dents in rigorous graduate-level course
23 work to earn a master’s degree while un-
24 dertaking a guided teaching apprentice-
25 ship.

1 “(iii) Experience and learning oppor-
2 tunities alongside a trained and experi-
3 enced mentor teacher—

4 “(I) whose teaching shall com-
5 plement the residency program so that
6 classroom clinical practice is tightly
7 aligned with course work;

8 “(II) who shall have extra re-
9 sponsibilities as a teacher leader of
10 the teaching residency program, as a
11 mentor for residents, and as a teacher
12 coach during the induction program
13 for novice teachers, and for estab-
14 lishing, within the program, a learn-
15 ing community in which all individuals
16 are expected to continually improve
17 their capacity to advance student
18 learning; and

19 “(III) who may have full relief
20 from teaching duties as a result of
21 such additional responsibilities.

22 “(iv) The establishment of clear cri-
23 teria for the selection of mentor teachers
24 based on measures of teacher effectiveness
25 and the appropriate subject area knowl-

1 edge. Evaluation of teacher effectiveness
2 shall be based on observations of such do-
3 mains of teaching as the following:

4 “(I) Planning and preparation,
5 including demonstrated knowledge of
6 content, pedagogy, and assessment,
7 including the use of formative assess-
8 ments to improve student learning.

9 “(II) Appropriate instruction
10 that engages students with different
11 learning styles, including students
12 with disabilities.

13 “(III) Collaboration with col-
14 leagues to improve instruction.

15 “(IV) Analysis of gains in stu-
16 dent learning, based on multiple
17 measures, that, when feasible, may in-
18 clude valid and reliable objective
19 measures of the influence of teachers
20 on the rate of student academic
21 progress.

22 “(V) In the case of mentor can-
23 didates who will be mentoring current
24 or future literacy and mathematics
25 coaches or instructors, appropriate

1 skills in the essential components of
2 reading instruction, teacher training
3 in literacy instructional strategies
4 across core subject areas, and teacher
5 training in mathematics instructional
6 strategies, as appropriate.

7 “(v) Grouping of teaching residents in
8 cohorts to facilitate professional collabora-
9 tion among such residents.

10 “(vi) The development of admissions
11 goals and priorities aligned with the hiring
12 objectives of the local educational agency
13 partnering with the program, as well as
14 the instructional initiatives and curriculum
15 of the agency, in exchange for a commit-
16 ment by the agency to hire graduates from
17 the teaching residency program.

18 “(vii) Support for residents, once the
19 teaching residents are hired as teachers of
20 record, through an induction program, pro-
21 fessional development, and networking op-
22 portunities to support the residents
23 through not less than the residents’ first 2
24 years of teaching.

1 “(B) SELECTION OF INDIVIDUALS AS
2 TEACHER RESIDENTS.—

3 “(i) ELIGIBLE INDIVIDUAL.—In order
4 to be eligible to be a teacher resident in a
5 teaching residency program under this
6 paragraph, an individual shall—

7 “(I) be a recent graduate of a 4-
8 year institution of higher education or
9 a mid-career professional from outside
10 the field of education possessing
11 strong content knowledge or a record
12 of professional accomplishment; and

13 “(II) submit an application to
14 the teaching residency program.

15 “(ii) SELECTION CRITERIA.—An eligi-
16 ble partnership carrying out a teaching
17 residency program under this subpara-
18 graph shall establish criteria for the selec-
19 tion of eligible individuals to participate in
20 the teaching residency program based on
21 the following characteristics:

22 “(I) Strong content knowledge or
23 record of accomplishment in the field
24 or subject area to be taught.

1 “(II) Strong verbal and written
2 communication skills, which may be
3 demonstrated by performance on ap-
4 propriate tests.

5 “(III) Other attributes linked to
6 effective teaching, which may be de-
7 termined by interviews or performance
8 assessments, as specified by the eligi-
9 ble partnership.

10 “(C) STIPEND AND SERVICE REQUIRE-
11 MENT.—

12 “(i) STIPEND.—A teaching residency
13 program under this paragraph shall pro-
14 vide a 1-year living stipend or salary to
15 teaching residents during the 1-year teach-
16 ing residency program.

17 “(ii) SERVICE REQUIREMENT.—As a
18 condition of receiving a stipend under this
19 subparagraph, a teaching resident shall
20 agree to teach in a high-need school served
21 by the high-need local educational agency
22 in the eligible partnership for a period of
23 3 or more years after completing the 1-
24 year teaching residency program.

1 “(iii) REPAYMENT.—If a teaching
2 resident who received a stipend under this
3 subparagraph does not complete the serv-
4 ice requirement described in clause (ii),
5 such individual shall repay to the high-
6 need local educational agency a pro rata
7 portion of the stipend amount for the
8 amount of teaching time that the indi-
9 vidual did not complete.

10 “(f) CONSULTATION.—

11 “(1) IN GENERAL.—Members of an eligible
12 partnership that receives a grant under this section
13 shall engage in regular consultation throughout the
14 development and implementation of programs and
15 activities 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 eligi-
19 ble partnership, including the high-need local edu-
20 cational agency. Such communication shall continue
21 throughout the implementation of the grant and the
22 assessment of programs and activities under this
23 section.

24 “(3) WRITTEN CONSENT.—The Secretary may
25 approve changes in grant activities of a grant under

1 this section only if a written consent signed by all
2 members of the eligible partnership is submitted to
3 the Secretary.

4 “(g) CONSTRUCTION.—Nothing in this section shall
5 be construed to prohibit an eligible partnership from using
6 grant funds to coordinate with the activities of eligible
7 partnerships in other States or on a regional basis through
8 Governors, State boards of education, State educational
9 agencies, State agencies responsible for early childhood
10 education, local educational agencies, or State agencies for
11 higher education.

12 “(h) SUPPLEMENT, NOT SUPPLANT.—Funds made
13 available under this section shall be used to supplement,
14 and not supplant, other Federal, State, and local funds
15 that would otherwise be expended to carry out activities
16 under this section.

17 **“SEC. 203. ADMINISTRATIVE PROVISIONS.**

18 “(a) DURATION; NUMBER OF AWARDS; PAY-
19 MENTS.—

20 “(1) DURATION.—A grant awarded under this
21 part shall be awarded for a period of 5 years.

22 “(2) NUMBER OF AWARDS.—An eligible part-
23 nership may not receive more than 1 grant during
24 a 5-year period. Nothing in this title shall be con-
25 strued to prohibit an individual member, that can

1 demonstrate need, of an eligible partnership that re-
2 ceives a grant under this title from entering into an-
3 other eligible partnership consisting of new members
4 and receiving a grant with such other eligible part-
5 nership before the 5-year period described in the
6 preceding sentence applicable to the eligible partner-
7 ship with which the individual member has first
8 partnered has expired.

9 “(3) PAYMENTS.—The Secretary shall make
10 annual payments of grant funds awarded under this
11 part.

12 “(b) PEER REVIEW.—

13 “(1) PANEL.—The Secretary shall provide the
14 applications submitted under this part to a peer re-
15 view panel for evaluation. With respect to each ap-
16 plication, the peer review panel shall initially rec-
17 ommend the application for funding or for dis-
18 approval.

19 “(2) PRIORITY.—In recommending applications
20 to the Secretary for funding under this part, the
21 panel shall give priority—

22 “(A) to partnerships that include an insti-
23 tution of higher education whose teacher prepa-
24 ration program has a rigorous selection process

1 to ensure the highest quality of students enter-
2 ing such programs; and

3 “(B)(i) to applications from broad-based
4 eligible partnerships that involve businesses and
5 community organizations; or

6 “(ii) to eligible partnerships so that the
7 awards promote an equitable geographic dis-
8 tribution of grants among rural and urban
9 areas.

10 “(3) SECRETARIAL SELECTION.—The Secretary
11 shall determine, based on the peer review process,
12 which applications shall receive funding and the
13 amounts of the grants. In determining the grant
14 amount, the Secretary shall take into account the
15 total amount of funds available for all grants under
16 this part and the types of activities proposed to be
17 carried out by the eligible partnership.

18 “(c) MATCHING REQUIREMENTS.—

19 “(1) IN GENERAL.—Each eligible partnership
20 receiving a grant under this part shall provide, from
21 non-Federal sources, an amount equal to 100 per-
22 cent of the amount of the grant, which may be pro-
23 vided in cash or in-kind, to carry out the activities
24 supported by the grant.

1 “(2) WAIVER.—The Secretary may waive all or
2 part of the matching requirement described in para-
3 graph (1) for any fiscal year for an eligible partner-
4 ship, if the Secretary determines that applying the
5 matching requirement to the eligible partnership
6 would result in serious hardship or an inability to
7 carry out the authorized activities described in this
8 part.

9 “(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—
10 An eligible partnership that receives a grant under this
11 part may use not more than 2 percent of the grant funds
12 for purposes of administering the grant.

13 **“SEC. 204. ACCOUNTABILITY AND EVALUATION.**

14 “(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each
15 eligible partnership submitting an application for a grant
16 under this part shall establish and include in such applica-
17 tion, an evaluation plan that includes strong performance
18 objectives. The plan shall include objectives and measures
19 for increasing—

20 “(1) student achievement for all students as
21 measured by the eligible partnership;

22 “(2) teacher retention in the first 3 years of a
23 teacher’s career;

1 “(3) improvement in the pass rates and scaled
2 scores for initial State certification or licensure of
3 teachers; and

4 “(4)(A) the percentage of highly qualified
5 teachers hired by the high-need local educational
6 agency participating in the eligible partnership;

7 “(B) the percentage of such teachers who are
8 members of under represented groups;

9 “(C) the percentage of such teachers who teach
10 high-need academic subject areas (such as reading,
11 mathematics, science, and foreign language, includ-
12 ing less commonly taught languages and critical for-
13 eign languages);

14 “(D) the percentage of such teachers who teach
15 in high-need areas (including special education, lan-
16 guage instruction educational programs for limited
17 English proficient students, and early childhood edu-
18 cation);

19 “(E) the percentage of such teachers in high-
20 need schools, disaggregated by the elementary, mid-
21 dle, and high school levels;

22 “(F) as applicable, the percentage of early
23 childhood education program classes in the geo-
24 graphic area served by the eligible partnership

1 taught by early childhood educators who are highly
2 competent; and

3 “(G) as applicable, the number of teachers
4 trained effectively to integrate technology into cur-
5 ricula and instruction and who use technology to col-
6 lect, manage, and analyze data to improve teaching,
7 learning, and decision making for the purpose of im-
8 proving student academic achievement.

9 “(b) INFORMATION.—An eligible partnership receiv-
10 ing a grant under this part shall ensure that teachers,
11 principals, school superintendents, and faculty and leader-
12 ship at institutions of higher education located in the geo-
13 graphic areas served by the eligible partnership under this
14 part are provided information about the activities carried
15 out with funds under this part, including through elec-
16 tronic means.

17 “(c) REVOCATION OF GRANT.—If the Secretary de-
18 termines that an eligible partnership receiving a grant
19 under this part is not making substantial progress in
20 meeting the purposes, goals, objectives, and measures, as
21 appropriate, of the grant by the end of the third year of
22 a grant under this part, then the Secretary shall require
23 such eligible partnership to submit a revised application
24 that identifies the steps the partnership will take to make

1 substantial progress to meet the purposes, goals, objec-
2 tives, and measures, as appropriate, of this part.

3 “(d) EVALUATION AND DISSEMINATION.—The Sec-
4 retary shall evaluate the activities funded under this part
5 and report the Secretary’s findings regarding the activities
6 to the authorizing committees. The Secretary shall broadly
7 disseminate—

8 “(1) successful practices developed by eligible
9 partnerships under this part; and

10 “(2) information regarding such practices that
11 were found to be ineffective.

12 **“SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PRE-**
13 **PARE TEACHERS.**

14 “(a) INSTITUTIONAL AND PROGRAM REPORT CARDS
15 ON THE QUALITY OF TEACHER PREPARATION.—

16 “(1) REPORT CARD.—Each institution of higher
17 education that conducts a traditional teacher prepa-
18 ration program or alternative routes to State certifi-
19 cation or licensure program and that enrolls stu-
20 dents receiving Federal assistance under this Act
21 shall report annually to the State and the general
22 public, in a uniform and comprehensible manner
23 that conforms with the definitions and methods es-
24 tablished by the Secretary, both for traditional
25 teacher preparation programs and alternative routes

1 to State certification or licensure programs, the fol-
2 lowing information:

3 “(A) PASS RATES AND SCALED SCORES.—

4 For the most recent year for which the informa-
5 tion is available for those students who took the
6 assessments and are enrolled in the traditional
7 teacher preparation program or alternative
8 routes to State certification or licensure pro-
9 gram, and for those who have taken the assess-
10 ments and have completed the traditional teach-
11 er preparation program or alternative routes to
12 State certification or licensure program during
13 the 2-year period preceding such year, for each
14 of the assessments used for teacher certification
15 or licensure by the State in which the program
16 is located—

17 “(i) the percentage of students who
18 have completed 100 percent of the nonclin-
19 ical course work and taken the assessment
20 who pass such assessment;

21 “(ii) the percentage of all such stu-
22 dents who passed each such assessment;

23 “(iii) the percentage of students tak-
24 ing an assessment who completed the
25 teacher preparation program after enroll-

1 ing in the program, which shall be made
2 available widely and publicly by the State;

3 “*(iv)* the average scaled score for all
4 students who took each such assessment;

5 “*(v)* a comparison of the program’s
6 pass rates with the average pass rates for
7 programs in the State; and

8 “*(vi)* a comparison of the program’s
9 average scaled scores with the average
10 scaled scores for programs in the State.

11 “(B) PROGRAM INFORMATION.—The cri-
12 teria for admission into the program, the num-
13 ber of students in the program (disaggregated
14 by race, ethnicity, and gender), the average
15 number of hours of supervised clinical experi-
16 ence required for those in the program, the
17 number of full-time equivalent faculty and stu-
18 dents in the supervised clinical experience, and
19 the total number of students who have been
20 certified or licensed as teachers, disaggregated
21 by subject and area of certification or licensure.

22 “(C) STATEMENT.—In States that require
23 approval or accreditation of teacher preparation
24 programs, a statement of whether the institu-

1 tion’s program is so approved or accredited,
2 and by whom.

3 “(D) DESIGNATION AS LOW-PER-
4 FORMING.—Whether the program has been des-
5 ignated as low-performing by the State under
6 section 208(a).

7 “(E) USE OF TECHNOLOGY.—A descrip-
8 tion of the activities that prepare teachers to ef-
9 fectively integrate technology into curricula and
10 instruction and effectively use technology to col-
11 lect, manage, and analyze data in order to im-
12 prove teaching, learning, and decision making
13 for the purpose of increasing student academic
14 achievement.

15 “(F) TEACHER TRAINING.—A description
16 of the activities that prepare general and special
17 education teachers to effectively teach students
18 with disabilities, including training related to
19 participation as a member of individualized edu-
20 cation program teams, as defined in the Indi-
21 viduals with Disabilities Education Act.

22 “(2) REPORT.—Each eligible partnership re-
23 ceiving a grant under section 202 shall report annu-
24 ally on the progress of the eligible partnership to-

1 ward meeting the purposes of this part and the ob-
2 jectives and measures described in section 204(a).

3 “(3) FINES.—The Secretary may impose a fine
4 not to exceed \$25,000 on an institution of higher
5 education for failure to provide the information de-
6 scribed in this subsection in a timely or accurate
7 manner.

8 “(4) SPECIAL RULE.—In the case of an institu-
9 tion of higher education that conducts a traditional
10 teacher preparation program or alternative routes to
11 State certification or licensure program and has
12 fewer than 10 scores reported on any single initial
13 teacher certification or licensure assessment during
14 an academic year, the institution shall collect and
15 publish information, as required under paragraph
16 (1)(A), with respect to an average pass rate and
17 scaled score on each State certification or licensure
18 assessment taken over a 3-year period.

19 “(b) STATE REPORT CARD ON THE QUALITY OF
20 TEACHER PREPARATION.—

21 “(1) IN GENERAL.—Each State that receives
22 funds under this Act shall provide to the Secretary,
23 annually, in a uniform and comprehensible manner
24 that conforms with the definitions and methods es-
25 tablished by the Secretary, a State report card on

1 the quality of teacher preparation in the State, both
2 for traditional teacher preparation programs and for
3 alternative routes to State certification or licensure
4 programs, which shall include not less than the fol-
5 lowing:

6 “(A) A description of the reliability and
7 validity of the teacher certification and licen-
8 sure assessments, and any other certification
9 and licensure requirements, used by the State.

10 “(B) The standards and criteria that pro-
11 spective teachers must meet in order to attain
12 initial teacher certification or licensure and to
13 be certified or licensed to teach particular aca-
14 demic subject areas or in particular grades
15 within the State.

16 “(C) A description of how the assessments
17 and requirements described in subparagraph
18 (A) are aligned with the State’s challenging
19 academic content standards required under sec-
20 tion 1111(b)(1) of the Elementary and Sec-
21 ondary Education Act of 1965 and State early
22 learning standards for early childhood education
23 programs.

24 “(D) For each of the assessments used by
25 the State for teacher certification or licensure—

1 “(i) for each institution of higher edu-
2 cation located in the State and each entity
3 located in the State that offers an alter-
4 native route for teacher certification or li-
5 censure, the percentage of students at such
6 institution or entity who have completed
7 100 percent of the nonclinical course work
8 and taken the assessment who pass such
9 assessment;

10 “(ii) the percentage of all such stu-
11 dents at all such institutions taking the as-
12 sessment who pass such assessment; and

13 “(iii) the percentage of students tak-
14 ing an assessment who completed the
15 teacher preparation program after enroll-
16 ing in the program, which shall be made
17 available widely and publicly by the State.

18 “(E) A description of alternative routes to
19 State certification or licensure in the State (in-
20 cluding any such routes operated by entities
21 that are not institutions of higher education), if
22 any, including, for each of the assessments used
23 by the State for teacher certification or licen-
24 sure—

1 “(i) the percentage of individuals par-
2 ticipating in such routes, or who have com-
3 pleted such routes during the 2-year period
4 preceding the date of the determination,
5 who passed each such assessment; and

6 “(ii) the average scaled score of indi-
7 viduals participating in such routes, or who
8 have completed such routes during the pe-
9 riod preceding the date of the determina-
10 tion, who took each such assessment.

11 “(F) A description of the State’s criteria
12 for assessing the performance of teacher prepa-
13 ration programs within institutions of higher
14 education in the State. Such criteria shall in-
15 clude indicators of the academic content knowl-
16 edge and teaching skills of students enrolled in
17 such programs.

18 “(G) For each teacher preparation pro-
19 gram in the State, the criteria for admission
20 into the program, the number of students in the
21 program, disaggregated by race, ethnicity, and
22 gender (except that such disaggregation shall
23 not be required in a case in which the number
24 of students in a category is insufficient to yield
25 statistically reliable information or the results

1 would reveal personally identifiable information
2 about an individual student), the average num-
3 ber of hours of supervised clinical experience re-
4 quired for those in the program, and the num-
5 ber of full-time equivalent faculty, adjunct fac-
6 ulty, and students in supervised clinical experi-
7 ence.

8 “(H) For the State as a whole, and for
9 each teacher preparation program in the State,
10 the number of teachers prepared, in the aggre-
11 gate and reported separately by—

12 “(i) area of certification or licensure;

13 “(ii) academic major; and

14 “(iii) subject area for which the teach-
15 er has been prepared to teach.

16 “(I) Using the data generated under sub-
17 paragraphs (G) and (H), a description of the
18 extent to which teacher preparation programs
19 are helping to address shortages of highly quali-
20 fied teachers, by area of certification or licen-
21 sure, subject, and specialty, in the State’s pub-
22 lic schools.

23 “(J) A description of the activities that
24 prepare general and special education teachers
25 to effectively teach students with disabilities, in-

1 including training related to participation as a
2 member of individualized education program
3 teams, as defined in the Individuals with Dis-
4 abilities Education Act.

5 “(K) A description of the activities that
6 prepare teachers to effectively integrate tech-
7 nology into curricula and instruction and effec-
8 tively use technology to collect, manage, and
9 analyze data in order to improve teaching,
10 learning, and decision making for the purpose
11 of increasing student academic achievement.

12 “(2) PROHIBITION AGAINST CREATING A NA-
13 TIONAL LIST.—The Secretary shall not create a na-
14 tional list or ranking of States, institutions, or
15 schools using the scaled scores provided under this
16 subsection.

17 “(c) DATA QUALITY.—The Secretary shall prescribe
18 regulations requiring practices and procedures to ensure
19 the reliability, validity, integrity, and accuracy of the data
20 submitted pursuant to this section.

21 “(d) REPORT OF THE SECRETARY ON THE QUALITY
22 OF TEACHER PREPARATION.—

23 “(1) REPORT CARD.—The Secretary shall pro-
24 vide to Congress, and publish and make widely avail-
25 able, a report card on teacher qualifications and

1 preparation in the United States, including all the
2 information reported in subparagraphs (A) through
3 (J) of subsection (b)(1). Such report shall identify
4 States for which eligible partnerships received a
5 grant under this part. Such report shall be so pro-
6 vided, published, and made available annually.

7 “(2) REPORT TO CONGRESS.—The Secretary
8 shall prepare and submit a report to Congress that
9 contains the following:

10 “(A) A comparison of States’ efforts to im-
11 prove the quality of the current and future
12 teaching force.

13 “(B) A comparison of eligible partnerships’
14 efforts to improve the quality of the current
15 and future teaching force.

16 “(C) The national mean and median scaled
17 scores and pass rate on any standardized test
18 that is used in more than 1 State for teacher
19 certification or licensure.

20 “(3) SPECIAL RULE.—In the case of a teacher
21 preparation program with fewer than 10 scores re-
22 ported on any single initial teacher certification or li-
23 censure assessment during an academic year, the
24 Secretary shall collect and publish information, and
25 make publicly available, with respect to an average

1 pass rate and scaled score on each State certification
2 or licensure assessment taken over a 3-year period.

3 “(e) COORDINATION.—The Secretary, to the extent
4 practicable, shall coordinate the information collected and
5 published under this part among States for individuals
6 who took State teacher certification or licensure assess-
7 ments in a State other than the State in which the indi-
8 vidual received the individual’s most recent degree.

9 **“SEC. 206. TEACHER DEVELOPMENT.**

10 “(a) ANNUAL GOALS.—As a condition of receiving
11 assistance under title IV, each institution of higher edu-
12 cation that conducts a traditional teacher preparation pro-
13 gram (including programs that offer any ongoing profes-
14 sional development programs) or alternative routes to
15 State certification or licensure program and that enrolls
16 students receiving Federal assistance under this Act shall
17 set annual quantifiable goals for—

18 “(1) increasing the number of prospective
19 teachers trained in teacher shortage areas des-
20 ignated by the Secretary, including mathematics,
21 science, special education, and instruction of limited
22 English proficient students; and

23 “(2) more closely linking the training provided
24 by the institution with the needs of schools and the

1 instructional decisions new teachers face in the
2 classroom.

3 “(b) ASSURANCE.—As a condition of receiving assist-
4 ance under title IV, each institution described in sub-
5 section (a) shall provide an assurance to the Secretary
6 that—

7 “(1) training provided to prospective teachers
8 responds to the identified needs of the local edu-
9 cational agencies or States where the institution’s
10 graduates are likely to teach, based on past hiring
11 and recruitment trends;

12 “(2) prospective special education teachers re-
13 ceive course work in core academic subjects and re-
14 ceive training in providing instruction in core aca-
15 demic subjects;

16 “(3) general education teachers receive training
17 in providing instruction to diverse populations, in-
18 cluding children with disabilities, limited English
19 proficient students, and children from low-income
20 families; and

21 “(4) prospective teachers receive training on
22 how to effectively teach in urban and rural schools.

23 “(c) PUBLIC REPORTING.—As part of the annual re-
24 port card required under section 205(a)(1), an institution
25 of higher education described in subsection (a) shall pub-

1 licly report whether the goals established under such sub-
2 section have been met.

3 **“SEC. 207. STATE FUNCTIONS.**

4 “(a) STATE ASSESSMENT.—In order to receive funds
5 under this Act, a State shall have in place a procedure
6 to conduct an assessment to identify and assist, through
7 the provision of technical assistance, low-performing pro-
8 grams of teacher preparation. Such State shall provide the
9 Secretary an annual list of such low-performing teacher
10 preparation programs that includes an identification of
11 those programs at risk of being placed on such list. Such
12 assessment shall be described in the report under section
13 205(b). Levels of performance shall be determined solely
14 by the State and may include criteria based on informa-
15 tion collected pursuant to this part including progress in
16 meeting the goals of—

17 “(1) increasing the percentage of highly quali-
18 fied teachers in the State, including increasing pro-
19 fessional development opportunities;

20 “(2) improving student achievement for all stu-
21 dents; and

22 “(3) raising the standards for entry into the
23 teaching profession.

24 “(b) TERMINATION OF ELIGIBILITY.—Any program
25 of teacher preparation from which the State has with-

1 drawn the State’s approval, or terminated the State’s fi-
2 nancial support, due to the low performance of the pro-
3 gram based upon the State assessment described in sub-
4 section (a)—

5 “(1) shall be ineligible for any funding for pro-
6 fessional development activities awarded by the De-
7 partment;

8 “(2) shall not be permitted to accept or enroll
9 any student that receives aid under title IV in the
10 institution’s teacher preparation program; and

11 “(3) shall provide transitional support, includ-
12 ing remedial services if necessary, for students en-
13 rolled at the institution at the time of termination
14 of financial support or withdrawal of approval.

15 “(c) NEGOTIATED RULEMAKING.—If the Secretary
16 develops any regulations implementing subsection (b)(2),
17 the Secretary shall submit such proposed regulations to
18 a negotiated rulemaking process, which shall include rep-
19 resentatives of States, institutions of higher education,
20 and educational and student organizations.

21 “(d) APPLICATION OF THE REQUIREMENTS.—The
22 requirements of this section shall apply to both traditional
23 teacher preparation programs and alternative routes to
24 State certification and licensure programs.

1 **“SEC. 208. GENERAL PROVISIONS.**

2 “(a) METHODS.—In complying with sections 205 and
3 207, the Secretary shall ensure that States and institu-
4 tions of higher education use fair and equitable methods
5 in reporting and that the reporting methods do not allow
6 identification of individuals.

7 “(b) SPECIAL RULE.—For each State that does not
8 use content assessments as a means of ensuring that all
9 teachers teaching in core academic subjects within the
10 State are highly qualified, as required under section 1119
11 of the Elementary and Secondary Education Act of 1965
12 and in accordance with the State plan submitted or revised
13 under section 1111 of such Act, and that each person em-
14 ployed as a special education teacher in the State who
15 teaches elementary school, middle school, or secondary
16 school is highly qualified by the deadline, as required
17 under section 612(a)(14)(C) of the Individuals with Dis-
18 abilities Education Act,—

19 “(1) the Secretary shall, to the extent prac-
20 ticable, collect data comparable to the data required
21 under this part from States, local educational agen-
22 cies, institutions of higher education, or other enti-
23 ties that administer such assessments to teachers or
24 prospective teachers; and

25 “(2) notwithstanding any other provision of this
26 part, the Secretary shall use such data to carry out

1 requirements of this part related to assessments,
2 pass rates, and scaled scores.

3 “(c) RELEASE OF INFORMATION TO TEACHER PREP-
4 ARATION PROGRAMS.—

5 “(1) IN GENERAL.—For the purpose of improv-
6 ing teacher preparation programs, a State edu-
7 cational agency that receives funds under this Act,
8 or that participates as a member of a partnership,
9 consortium, or other entity that receives such funds,
10 shall provide to a teacher preparation program, upon
11 the request of the teacher preparation program, any
12 and all pertinent education-related information
13 that—

14 “(A) may enable the teacher preparation
15 program to evaluate the effectiveness of the
16 program’s graduates or the program itself; and

17 “(B) is possessed, controlled, or accessible
18 by the State educational agency.

19 “(2) CONTENT OF INFORMATION.—The infor-
20 mation described in paragraph (1)—

21 “(A) shall include an identification of spe-
22 cific individuals who graduated from the teach-
23 er preparation program to enable the teacher
24 preparation program to evaluate the informa-
25 tion provided to the program from the State

1 educational agency with the program's own
2 data about the specific courses taken by, and
3 field experiences of, the individual graduates;
4 and

5 “(B) may include—

6 “(i) kindergarten through grade 12
7 academic achievement and demographic
8 data, without revealing personally identifi-
9 able information about an individual stu-
10 dent, for students who have been taught by
11 graduates of the teacher preparation pro-
12 gram; and

13 “(ii) teacher effectiveness evaluations
14 for teachers who graduated from the teach-
15 er preparation program.

16 “(d) LIMITATIONS.—

17 “(1) FEDERAL CONTROL PROHIBITED.—Noth-
18 ing in this part shall be construed to permit, allow,
19 encourage, or authorize any Federal control over any
20 aspect of any private, religious, or home school
21 (whether or not a home school is treated as a private
22 school or home school under State law). This section
23 shall not be construed to prohibit private, religious,
24 or home schools from participation in programs or
25 services under this part.

1 “(2) NO CHANGE IN STATE CONTROL ENCOUR-
2 AGED OR REQUIRED.—Nothing in this part shall be
3 construed to encourage or require any change in a
4 State’s treatment of any private, religious, or home
5 school (whether or not a home school is treated as
6 a private school or home school under State law).

7 “(3) NATIONAL SYSTEM OF TEACHER CERTIFI-
8 CATION PROHIBITED.—Nothing in this part shall be
9 construed to permit, allow, encourage, or authorize
10 the Secretary to establish or support any national
11 system of teacher certification.

12 **“SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out
14 this part such sums as may be necessary for fiscal year
15 2009 and each of the 2 succeeding fiscal years.

16 **“PART B—PREPARING TEACHERS FOR DIGITAL**
17 **AGE LEARNERS**

18 **“SEC. 221. PROGRAM AUTHORIZED.**

19 “(a) PROGRAM AUTHORITY.—The Secretary is au-
20 thorized to award grants to eligible consortia, or to enter
21 into contracts or cooperative agreements with eligible con-
22 sortia, to pay the Federal share of the costs of projects
23 to—

24 “(1) graduate teacher candidates who are pre-
25 pared to use modern information, communication,

1 and learning tools to improve student learning, as-
2 sessment, and learning management;

3 “(2) graduate teacher candidates who are pre-
4 pared to integrate modern information, communica-
5 tion, and learning tools to help students develop
6 skills to enter the workforce;

7 “(3) strengthen and develop partnerships
8 among the stakeholders in teacher preparation to
9 transform teacher education and ensure technology
10 rich learning environments throughout a teacher
11 candidate’s pre-service education, including clinical
12 experiences; and

13 “(4) assess the effectiveness of departments,
14 schools, and colleges of education at institutions of
15 higher education in preparing teacher candidates for
16 successful implementation of technology-rich teach-
17 ing-learning environments that enable kindergarten
18 through grade 12 students to develop skills to enter
19 the workforce.

20 “(b) GRANT AMOUNT AND DURATION.—A grant
21 awarded under this part—

22 “(1) shall be not more than \$2,000,000;

23 “(2) shall be for a 3-year period; and

24 “(3) may be renewed for one additional year.

1 “(c) NON-FEDERAL SHARE REQUIREMENT.—The
2 Federal share of the cost of any project funded under this
3 part shall not exceed 75 percent. The non-Federal share
4 of the cost of such project may be provided in cash or
5 in kind, fairly evaluated, including services.

6 “(d) DEFINITION OF ELIGIBLE CONSORTIUM.—In
7 this part, the term ‘eligible consortium’ means a consor-
8 tium of members that includes the following:

9 “(1) At least one institution of higher education
10 that awards baccalaureate degrees and prepares
11 teachers for initial entry into teaching.

12 “(2) At least one State educational agency or
13 local educational agency.

14 “(3) A department, school, or college of edu-
15 cation at an institution of higher education.

16 “(4) A department, school, or college of arts
17 and sciences at an institution of higher education.

18 “(5) At least one entity with the capacity to
19 contribute to the technology-related reform of teach-
20 er preparation programs, which may be a profes-
21 sional association, foundation, museum, library, for-
22 profit business, public or private nonprofit organiza-
23 tion, community-based organization, or other entity.

1 **“SEC. 222. USES OF FUNDS.**

2 “(a) IN GENERAL.— A consortium that receives a
3 grant or enters into a contract or cooperative agreement
4 under this part shall use funds made available under this
5 part to carry out a project that—

6 “(1) develops long-term partnerships among
7 members of the consortium that are focused on ef-
8 fective teaching with modern digital tools and con-
9 tent that substantially connect pre-service prepara-
10 tion of teacher candidates with high-needs schools;
11 or

12 “(2) transform the way departments, schools,
13 and colleges of education teach classroom technology
14 integration, including the principles of universal de-
15 sign, to teacher candidates.

16 “(b) USES OF FUNDS FOR PARTNERSHIP GRANTS.—
17 In carrying out a project under subsection (a)(1), a con-
18 sortium shall—

19 “(1) provide teacher candidates with field expe-
20 riences in educational settings with technology, early
21 in their preparation;

22 “(2) build the skills of teacher candidates to
23 support technology-rich instruction, assessment and
24 learning management in content areas, technology
25 literacy, an understanding of the principles of uni-

1 versal design, and the development of other skills for
2 entering the workforce;

3 “(3) provide professional technology develop-
4 ment for teachers, administrators, and content spe-
5 cialists who participate in field placement;

6 “(4) provide professional development of tech-
7 nology pedagogical skills for faculty of departments,
8 schools, and colleges of education and arts and
9 sciences;

10 “(5) implement strategies for the mentoring of
11 teacher candidates with respect to technology imple-
12 mentation by members of the consortium;

13 “(6) evaluate teacher candidates during the
14 first years of teaching to fully assess outcomes of
15 the project;

16 “(7) build collaborative learning communities
17 for technology integration within the consortium to
18 sustain meaningful applications of technology in the
19 classroom during teacher preparation and early ca-
20 reer practice; and

21 “(8) evaluate the effectiveness of the project.

22 “(c) USES OF FUNDS FOR TRANSFORMATION
23 GRANTS.—In carrying out a project under subsection
24 (a)(2), a consortium shall—

1 “(1) redesign curriculum requiring the collabo-
2 ration between the department, school, or college of
3 education faculty and the department, school, or col-
4 lege of arts and sciences faculty who teach content
5 or methods courses for training teacher candidates;

6 “(2) collaborate between the department,
7 school, or college of education faculty and the de-
8 partment, school, or college of arts and science fac-
9 ulty and academic content specialists at the local
10 educational agency to educate pre-service teachers
11 who can integrate technology and pedagogical skills
12 in content areas;

13 “(3) collaborate between the department,
14 school, or college of education faculty and the de-
15 partment, school, or college of arts and sciences fac-
16 ulty who teach courses to pre-service teachers to de-
17 velop and implement a plan for pre-service teachers
18 and continuing educators that demonstrates effective
19 instructional strategies and application of such strat-
20 egies in the use of digital tools to transform the
21 teaching and learning process;

22 “(4) collaborate between the department,
23 school, or college of education faculty and the de-
24 partment, school, or college of arts and sciences fac-
25 ulty who teach courses to pre-service teachers to bet-

1 ter reach under-represented pre-service teacher pop-
2 ulations with programs that connect such pre-service
3 teacher populations with applications of technology;

4 “(5) collaborate among faculty and students to
5 create and disseminate case studies of technology
6 applications in classroom settings with a goal of im-
7 proving student achievement in high-need schools;

8 “(6) provide additional technology resources for
9 pre-service teachers to plan and implement tech-
10 nology applications in classroom settings that pro-
11 vide evidence of student learning; and

12 “(7) bring together expertise from departments,
13 schools, or colleges of education, arts and science
14 faculty, and academic content specialists at the local
15 educational agency to share and disseminate tech-
16 nology applications in the classroom through teacher
17 preparation and into early career practice.

18 **“SEC. 223. APPLICATION REQUIREMENTS.**

19 “ To be eligible to receive a grant or enter into a
20 contract or cooperative agreement under this part, an eli-
21 gible consortium shall submit an application to the Sec-
22 retary at such time, in such manner, and containing such
23 information as the Secretary may require. Such applica-
24 tion shall include the following:

1 “(1) A description of the project to be carried
2 out with the grant, including how the project will—

3 “(A) develop a long-term partnership fo-
4 cused on effective teaching with modern digital
5 tools and content that substantially connects
6 pre-service preparation of teacher candidates
7 with high-need schools; or

8 “(B) transform the way departments,
9 schools, and colleges of education teach class-
10 room technology integration, including the prin-
11 ciples of universal design, to teacher candidates.

12 “(2) A demonstration of—

13 “(A) the commitment, including the finan-
14 cial commitment, of each of the members of the
15 consortium for the proposed project; and

16 “(B) the support of the leadership of each
17 organization that is a member of the consor-
18 tium for the proposed project.

19 “(3) A description of how each member of the
20 consortium will participate in the project.

21 “(4) A description of how the State or local
22 educational agency will incorporate the project into
23 the agency’s technology plan, if such a plan already
24 exists.

1 “(5) A description of how the project will be
2 continued after Federal funds are no longer avail-
3 able under this part for the project.

4 “(6) A plan for the evaluation of the project,
5 which shall include benchmarks to monitor progress
6 toward specific project objectives.

7 **“SEC. 224. EVALUATION.**

8 “ Not less than 10 percent of the funds awarded to
9 an eligible consortium to carry out a project under this
10 part shall be used to evaluate the effectiveness of such
11 project.

12 **“SEC. 225. AUTHORIZATION OF APPROPRIATIONS.**

13 “There is authorized to be appropriated
14 \$100,000,000 to carry out this part for fiscal year 2009
15 and such sums as may be necessary for each of the 2 suc-
16 ceeding 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
21 2009 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
6 competitive grants to institutions of higher education to
7 improve the availability, recruitment, and retention of
8 teachers from among students majoring in mathematics,
9 science, foreign languages, special education, or teaching
10 the English language to students who are limited English
11 proficient. In making such grants, the Secretary shall give
12 priority to institutions of higher education with programs
13 that—

14 “(1) focus on preparing and retaining teachers
15 in subjects in which there is a shortage of highly
16 qualified teachers and that prepare students to teach
17 in high-need schools; and

18 “(2) include plans to seek matching funds from
19 other governmental and non-governmental sources.

20 “(b) APPLICATION.—Any institution of higher edu-
21 cation desiring to receive a grant under this part shall sub-
22 mit to the Secretary an application at such time, in such
23 form, and containing such information and assurances as
24 the Secretary may require, including—

25 “(1) the number of students who graduated
26 from the institution in the preceding year with the

1 qualifications necessary to be teachers with expertise
2 in math, science, a foreign language, special edu-
3 cation, or teaching limited English proficient individ-
4 uals; and

5 “(2) a goal and timeline for increasing the
6 number of such teachers who graduate from the in-
7 stitution.

8 “(c) USE OF FUNDS.—Grant funds made available
9 under this part—

10 “(1) shall be used to create and provide new re-
11 cruitment incentives to encourage students who are
12 planning to pursue other careers to pursue careers
13 in teaching, with an emphasis on recruiting students
14 who are majoring in high-need subjects such as
15 mathematics, science, foreign languages, and special
16 education, and areas relevant to teaching the
17 English language to students who are limited
18 English proficient;

19 “(2) may be used to upgrade curriculum in
20 order to provide all students studying to become
21 teachers with high-quality instructional strategies for
22 teaching reading and teaching the English language
23 to students who are limited English proficient, and
24 for adopting, modifying, and differentiating instruc-
25 tion to teach students with disabilities;

1 “(3) may be used to integrate school of edu-
2 cation faculty with other arts and science faculty in
3 math, science, foreign languages, special education,
4 and teaching the English language to students who
5 are limited English proficient through steps such
6 as—

7 “(A) dual appointments for faculty be-
8 tween schools of education and schools of arts
9 and science; and

10 “(B) integrating course work with clinical
11 experience;

12 “(4) may be used to develop strategic plans be-
13 tween schools of education and local school districts
14 to better prepare teachers for high-need schools, in-
15 cluding the creation of professional development
16 partnerships for training new teachers in state-of-
17 the-art teaching practices; and

18 “(5) may be used to develop or enhance pro-
19 grams aimed at retaining teachers in high-need sub-
20 jects such as math, science, foreign languages, spe-
21 cial education, and teaching the English language to
22 students who are limited English proficient, and
23 may include providing scholarship assistance to cur-
24 rent teachers to upgrade their skills.

1 **“Subpart 2—Community Colleges as Partners in**
2 **Teacher Education Grants**

3 **“SEC. 251. GRANTS TO COMMUNITY COLLEGES.**

4 “(a) PROGRAM AUTHORIZED.—The Secretary is au-
5 thORIZED to award grants, on a competitive basis, to eligible
6 entities to assist such entities with—

7 “(1) establishing or enhancing teacher edu-
8 cation programs at community colleges that—

9 “(A) include content and pedagogical
10 training; and

11 “(B) are aligned with 4-year college and
12 university teacher education programs to ensure
13 a seamless transition for students from commu-
14 nity colleges to 4-year institutions;

15 “(2) establishing or enhancing post-bacca-
16 laurate certification programs offered at community
17 colleges;

18 “(3) developing and delivering a rigorous pro-
19 gram of study for students interested in a career in
20 teaching; and

21 “(4) developing and delivering professional de-
22 velopment for teachers to ensure their continued
23 education and professional growth.

24 “(b) AUTHORIZED USES OF FUNDS.—Grant funds
25 provided under this section shall be used to carry out the

1 activities described in subsection (a), and may be used
2 to—

3 “(1) develop curriculum for teacher education
4 programs and post-baccalaureate certification pro-
5 grams at community colleges;

6 “(2) establish or enhance clinical experiences
7 for students in such teacher education programs and
8 post-baccalaureate certification programs;

9 “(3) establish or enhance professional develop-
10 ment programs at community colleges that are avail-
11 able for teachers;

12 “(4) develop new associate degree programs fo-
13 cused on teacher preparation;

14 “(5) increase the alignment between community
15 college teacher education programs and 4-year col-
16 lege and university teacher education programs, in-
17 cluding articulation agreements, common course
18 numbering, and joint admission programs;

19 “(6) recruit teacher candidates with the goal of
20 diversifying the teacher workforce;

21 “(7) prepare teachers for high-demand subject
22 areas including science, math, technology, special
23 education, critical foreign languages, or the edu-
24 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 arts and sciences departments;

5 “(10) encourage teacher education and post-
6 baccalaureate programs at times and in formats de-
7 signed to make these programs more accessible to
8 certain student populations, including mid-career
9 professionals transitioning to teaching; and

10 “(11) carry out other activities that aim to en-
11 sure that well-qualified individuals enter into the
12 teaching profession.

13 “(c) ELIGIBLE ENTITY.—For purposes of this sec-
14 tion, the term ‘eligible entity’ means an individual commu-
15 nity college (or district of community colleges), a consortia
16 of community colleges, or a statewide community college
17 system that, for the purposes of carrying out activities
18 under this section, has entered into a partnership with—

19 “(1) a four-year institution of higher education
20 with a teacher education program, or a consortia of
21 such institutions; and

22 “(2) at least one of the following:

23 “(A) The State agency that oversees teach-
24 er 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 section 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 ap-
10 plication shall include—

11 “(1) an overview of the goals the eligible entity
12 and partners plan to pursue upon receipt of a grant
13 under this section;

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 other partners will work to ensure a seamless transi-
20 tion for students from community college to 4-year
21 institutions;

22 “(4) an assurance by the eligible entity that
23 students will be provided with intensive support
24 services, which may include mentoring, academic
25 and career support, and support for students who

1 are transitioning, or have transitioned, from the
2 community 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
6 a 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 sec-
9 tion, 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 racial and ethnic backgrounds and others underrep-
14 resented in the local education workforce;

15 “(2) prepare teachers for high-demand subject
16 areas including science, math, technology, special
17 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 ‘com-
24 munity college’ has the same meaning given the
25 term ‘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 at an insti-
9 tution of higher education for students 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
17 mentoring, exposure to and field experience in
18 the classroom prior to graduation, or other
19 practices, for students while they in the pro-
20 gram, and after graduation while working as a
21 teachers; and

22 “(C) focuses on increasing the number of
23 teachers for high demand subject areas.

1 **“Subpart 3—Centers of Excellence**

2 **“SEC. 261. DEFINITIONS.**

3 “In this subpart:

4 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-
5 ble institution’ means—

6 “(A) an institution of higher education
7 that has a teacher preparation program that is
8 a qualified teacher preparation program under
9 section 252 and that is—

10 “(i) a part B institution (as defined in
11 section 322);

12 “(ii) a Hispanic-serving institution (as
13 defined in section 502);

14 “(iii) a Tribal College or University
15 (as defined in section 316);

16 “(iv) an Alaska Native-serving institu-
17 tion (as defined in section 317(b));

18 “(v) a Native Hawaiian-serving insti-
19 tution (as defined in section 317(b));

20 “(vi) a Predominantly Black Institu-
21 tion (as defined in section 318(b));

22 “(vii) a Asian American and Pacific
23 Islander-serving institution (as defined in
24 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 sub-
8 paragraph (B), in partnership with any other
9 institution of higher education, but only if the
10 center of excellence established under section
11 262 is located at an institution described in
12 subparagraph (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. CENTERS OF EXCELLENCE.**

19 “(a) PROGRAM AUTHORIZED.—From the amounts
20 appropriated to carry out this subpart, the Secretary is
21 authorized to award competitive grants to eligible institu-
22 tions to establish centers of excellence.

23 “(b) USE OF FUNDS.—Grants provided by the Sec-
24 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 prep-
4 aration 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, are based on rigorous
15 academic content, scientifically valid re-
16 search (including scientifically based read-
17 ing research), and challenging State stu-
18 dent academic content standards; and

19 “(ii) promote strong teaching skills,
20 as defined in section 201(b)(22).

21 “(2) Providing sustained and high-quality
22 preservice clinical experience, including the men-
23 toring of prospective teachers by exemplary teachers,
24 substantially increasing interaction between faculty
25 at institutions of higher education and new and ex-

1 perienced teachers, principals, and other administra-
2 tors at elementary schools or secondary schools, and
3 providing support, including preparation time, for
4 such interaction.

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
20 teacher certification and licensure assessment prepa-
21 ration strategies.

22 “(6) Activities authorized under section 202.

23 “(c) APPLICATION.—Any eligible institution desiring
24 a grant under this section shall submit an application to
25 the Secretary at such a time, in such a manner, and ac-

1 accompanied by such information as the Secretary may re-
2 quire.

3 “(d) MINIMUM GRANT AMOUNT.—The minimum
4 amount of each grant under this subpart shall be
5 \$500,000.

6 “(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—
7 An eligible institution that receives a grant under this sub-
8 part may not use more than 2 percent of the grant funds
9 for purposes of administering the grant.

10 “(f) REGULATIONS.—The Secretary shall prescribe
11 such regulations as may be necessary to carry out this
12 subpart.

13 **“Subpart 4—Teach for America**

14 **“SEC. 271. TEACH FOR AMERICA.**

15 “(a) DEFINITIONS.—

16 “(1) IN GENERAL.—The terms ‘highly quali-
17 fied’, ‘local educational agency’, and ‘Secretary’ have
18 the meanings given the terms in section 9101 of the
19 Elementary and Secondary Education Act of 1965
20 (20 U.S.C. 7801).

21 “(2) GRANTEE.—The term ‘grantee’ means
22 Teach For America, Inc.

23 “(3) HIGH NEED.—The term ‘high need’, when
24 used with respect to a local educational agency,

1 means a local educational agency experiencing a
2 shortage of highly qualified teachers.

3 “(b) GRANTS AUTHORIZED.—The Secretary is au-
4 thorized to award a grant to Teach For America, Inc.,
5 the national teacher corps of outstanding recent college
6 graduates who commit to teach for 2 years in underserved
7 communities in the United States, to implement and ex-
8 pand its program of recruiting, selecting, training, and
9 supporting new teachers.

10 “(c) REQUIREMENTS.—In carrying out the grant pro-
11 gram under subsection (b), the Secretary shall enter into
12 an agreement with the grantee under which the grantee
13 agrees to use the grant funds provided under this sec-
14 tion—

15 “(1) to provide highly qualified teachers to high
16 need local educational agencies in urban and rural
17 communities;

18 “(2) to pay the cost of recruiting, selecting,
19 training, and supporting new teachers; and

20 “(3) to serve a substantial number and percent-
21 age of underserved students.

22 “(d) AUTHORIZED ACTIVITIES.—

23 “(1) IN GENERAL.—Grant funds provided
24 under this section shall be used by the grantee to
25 carry out each of the following activities:

1 “(A) Recruiting and selecting teachers
2 through a highly selective national process.

3 “(B) Providing preservice training to the
4 teachers through a rigorous summer institute
5 that includes hands-on teaching experience and
6 significant exposure to education course work
7 and theory.

8 “(C) Placing the teachers in schools and
9 positions designated by partner local edu-
10 cational agencies as high need placements serv-
11 ing underserved students.

12 “(D) Providing ongoing professional devel-
13 opment activities for the teachers’ first 2 years
14 in the classroom, including regular classroom
15 observations and feedback, and ongoing train-
16 ing and support.

17 “(2) LIMITATION.—The grantee shall use all
18 grant funds received under this section to support
19 activities related directly to the recruitment, selec-
20 tion, training, and support of teachers as described
21 in subsection (a).

22 “(e) REPORTS AND EVALUATIONS.—

23 “(1) ANNUAL REPORT.—The grantee shall pro-
24 vide to the Secretary an annual report that in-
25 cludes—

1 “(A) data on the number and quality of
2 the teachers provided to local educational agen-
3 cies through a grant under this section;

4 “(B) an externally conducted analysis of
5 the satisfaction of local educational agencies
6 and principals with the teachers so provided;
7 and

8 “(C) comprehensive data on the back-
9 ground of the teachers chosen, the training the
10 teachers received, the placement sites of the
11 teachers, the professional development of the
12 teachers, and the retention of the teachers.

13 “(2) STUDY.—

14 “(A) IN GENERAL.—From funds appro-
15 priated under subsection (f), the Secretary shall
16 provide for a study that examines the achieve-
17 ment levels of the students taught by the teach-
18 ers assisted under this section.

19 “(B) ACHIEVEMENT GAINS COMPARED.—
20 The study shall compare, within the same
21 schools, the achievement gains made by stu-
22 dents taught by teachers who are assisted
23 under this section with the achievement gains
24 made by students taught by teachers who are
25 not assisted under this section.

1 “(3) REQUIREMENTS.—The Secretary shall
2 provide for such a study not less than once every 3
3 years, and each such study shall include multiple
4 placement sites and multiple schools within place-
5 ment sites.

6 “(4) PEER REVIEW STANDARDS.—Each such
7 study shall meet the peer review standards of the
8 education research community.

9 **“Subpart 5—Early Childhood Education Professional**
10 **Development and Career Task Force**

11 **“SEC. 281. PURPOSE.**

12 “‘It is the purpose of this subpart—

13 “(1) to improve the quality of the early child-
14 hood education workforce by creating a statewide
15 early childhood education professional development
16 and career task force for early childhood education
17 program staff, directors, and administrators; and

18 “(2) to create—

19 “(A) a coherent system of core com-
20 petencies, pathways to qualifications, creden-
21 tials, degrees, quality assurances, access, and
22 outreach, for early childhood education program
23 staff, directors, and administrators, that is
24 linked to compensation commensurate with ex-
25 perience and qualifications;

1 “(B) articulation agreements that enable
2 early childhood education professionals to tran-
3 sition easily among degrees; and

4 “(C) compensation initiatives for individ-
5 uals working in an early childhood education
6 program that reflect the individuals’ credentials,
7 degrees, and experience.

8 **“SEC. 282. DEFINITION OF EARLY CHILDHOOD EDUCATION**
9 **PROGRAM.**

10 “In this subpart, the term ‘early childhood education
11 program’ means—

12 “(1) a family child care program, center-based
13 child care program, State prekindergarten program,
14 or school-based program (including a program au-
15 thorized under section 619 or part C of the Individ-
16 uals with Disabilities Education Act), that—

17 “(A) provides early childhood education;

18 “(B) uses developmentally appropriate
19 practices;

20 “(C) is licensed or regulated by the State;
21 and

22 “(D) serves children from birth through
23 age 5;

24 “(2) a Head Start Program carried out under
25 the Head Start Act; or

1 “(3) an Early Head Start Program carried out
2 under section 645A of the Head Start Act.

3 **“SEC. 283. GRANTS AUTHORIZED.**

4 “(a) IN GENERAL.—The Secretary is authorized to
5 award grants to States in accordance with the provisions
6 of this subpart to enable such States—

7 “(1) to establish a State Task Force described
8 in section 284; and

9 “(2) to support activities of the State Task
10 Force described in section 285.

11 “(b) COMPETITIVE BASIS.—Grants under this sub-
12 part shall be awarded on a competitive basis.

13 “(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In
14 awarding grants under this subpart, the Secretary shall
15 take into consideration providing an equitable geographic
16 distribution of such grants.

17 “(d) DURATION.—Grants under this subpart shall be
18 awarded for a period of 3 years.

19 **“SEC. 284. STATE TASK FORCE ESTABLISHMENT.**

20 “(a) STATE TASK FORCE ESTABLISHED.—The Gov-
21 ernor of a State receiving a grant under this subpart shall
22 establish, or designate an existing entity to serve as, the
23 State Early Childhood Education Professional Develop-
24 ment and Career Task Force (hereafter in this subpart
25 referred to as the ‘State Task Force’).

1 “(b) MEMBERSHIP.—The State Task Force shall in-
2 clude a representative of a State agency, an institution
3 of higher education (including an associate or a bacca-
4 laureate degree granting institution of higher education),
5 an early childhood education program, a nonprofit early
6 childhood organization, a statewide early childhood work-
7 force scholarship or supplemental initiative, and any other
8 entity or individual the Governor determines appropriate.

9 **“SEC. 285. STATE TASK FORCE ACTIVITIES.**

10 “(a) ACTIVITIES.—The State Task Force shall—

11 “(1) coordinate and communicate regularly with
12 existing State Advisory Councils on Early Care and
13 Education (hereafter in this subpart referred to as
14 ‘State Advisory Councils’) or a similar State entity
15 charged with creating a comprehensive system of
16 early care and education in the State, where appro-
17 priate, for the purposes of—

18 “(A) integrating recommendations for
19 early childhood professional development and
20 career activities into the plans of the State Ad-
21 visory Council; and

22 “(B) assisting in the implementation of
23 professional development and career activities
24 that are consistent with the plans described in
25 subparagraph (A);

1 “(2) conduct a review of opportunities for and
2 barriers to high quality professional development,
3 training, and higher education degree programs, in
4 early childhood development and learning, including
5 a periodic statewide survey concerning the demo-
6 graphics of individuals working in early childhood
7 education programs in the State, which survey shall
8 include information disaggregated by—
9 “(A) race, gender, and ethnicity;
10 “(B) compensation levels;
11 “(C) type of early childhood education pro-
12 gram setting;
13 “(D) specialized knowledge of child devel-
14 opment;
15 “(E) years of experience in an early child-
16 hood education program;
17 “(F) attainment of—
18 “(i) academic credit for course work;
19 “(ii) an academic degree;
20 “(iii) a credential;
21 “(iv) licensure; or
22 “(v) certification in early childhood
23 education; and

1 “(G) specialized knowledge in the edu-
2 cation of children with limited English pro-
3 ficiency; and

4 “(3) develop a plan for a comprehensive state-
5 wide professional development and career system for
6 individuals working in early childhood education pro-
7 grams or for early childhood education providers,
8 which plan shall include—

9 “(A) methods of providing outreach to
10 early childhood education program staff, direc-
11 tors, and administrators to enable the providers
12 to be aware of opportunities and resources
13 under the statewide plan, which may include
14 outreach to underrepresented populations in the
15 profession;

16 “(B) developing a unified data collection
17 and dissemination system for early childhood
18 education training, professional development,
19 and higher education programs;

20 “(C) increasing the participation of early
21 childhood educators in high quality training and
22 professional development by assisting in paying
23 the costs of enrollment in and completion of
24 such training and professional development
25 courses;

1 “(D) increasing the participation of early
2 childhood educators in postsecondary education
3 programs leading to degrees in early childhood
4 education by providing assistance to pay the
5 costs of enrollment in and completion of such
6 postsecondary education programs, which as-
7 sistance—

8 “(i) shall only be provided to an indi-
9 vidual who—

10 “(I) enters into an agreement
11 under which the individual agrees to
12 work, for a reasonable number of
13 years after receiving such a degree, in
14 an early childhood education program
15 that is located in a low-income area;
16 and

17 “(II) has a family income equal
18 to or less than the annually adjusted
19 national median family income as de-
20 termined by the Bureau of the Cen-
21 sus; and

22 “(ii) shall be provided in an amount
23 that does not exceed \$17,500;

24 “(E) supporting professional development
25 activities and a career lattice for a variety of

1 early childhood professional roles with varying
2 professional qualifications and responsibilities
3 for early childhood education personnel, includ-
4 ing strategies to enhance the compensation of
5 such personnel;

6 “(F) supporting articulation agreements
7 between 2- and 4-year public and private insti-
8 tutions of higher education and mechanisms to
9 transform other training, professional develop-
10 ment, and experience into academic credit;

11 “(G) developing mentoring and coaching
12 programs to support new educators in and di-
13 rectors of early childhood education programs;

14 “(H) providing career development advis-
15 ing with respect to the field of early childhood
16 education, including informing an individual re-
17 garding—

18 “(i) entry into and continuing edu-
19 cation requirements for professional roles
20 in the field;

21 “(ii) available financial assistance;
22 and

23 “(iii) professional development and ca-
24 reer advancement in the field;

1 “(I) enhancing the quality of faculty and
2 course work in postsecondary programs that
3 lead to an associate, baccalaureate, or graduate
4 degree in early childhood education;

5 “(J) consideration of the availability of on-
6 line graduate level professional development of-
7 fered by institutions of higher education with
8 experience and demonstrated expertise in estab-
9 lishing programs in child development, in order
10 to improve the skills and expertise of individ-
11 uals working in early childhood education pro-
12 grams; and

13 “(K) developing or enhancing a system of
14 quality assurance with respect to the early
15 childhood education professional development
16 and career system, including standards or quali-
17 fications for individuals and entities who offer
18 training and professional development in early
19 childhood education.

20 “(b) PUBLIC HEARINGS.—The State Task Force
21 shall hold public hearings and provide an opportunity for
22 public comment on the activities described in the statewide
23 plan described in subsection (a)(3).

24 “(c) PERIODIC REVIEW.—The State Task Force shall
25 meet periodically to review implementation of the state-

1 wide plan and to recommend any changes to the statewide
2 plan the State Task Force determines necessary.

3 **“SEC. 286. STATE APPLICATION AND REPORT.**

4 “(a) IN GENERAL.—Each State desiring a grant
5 under this subpart shall submit an application to the Sec-
6 retary at such time, in such manner, and accompanied by
7 such information as the Secretary may reasonably require.

8 Each such application shall include a description of—

9 “(1) the membership of the State Task Force;

10 “(2) the activities for which the grant assist-
11 ance will be used;

12 “(3) other Federal, State, local, and private re-
13 sources that will be available to support the activi-
14 ties of the State Task Force described in section
15 284;

16 “(4) the availability within the State of train-
17 ing, early childhood educator preparation, profes-
18 sional development, compensation initiatives, and ca-
19 reer systems, related to early childhood education;
20 and

21 “(5) the resources available within the State for
22 such training, educator preparation, professional de-
23 velopment, compensation initiatives, and career sys-
24 tems.

1 “(b) REPORT TO THE SECRETARY.—Not later than
2 2 years after receiving a grant under this subpart, a State
3 shall submit a report to the Secretary that shall describe—

4 “(1) other Federal, State, local, and private re-
5 sources that will be used in combination with a
6 grant under this section to develop or expand the
7 State’s early childhood education professional devel-
8 opment and career activities;

9 “(2) the ways in which the State Advisory
10 Council (or similar State entity) will coordinate the
11 various State and local activities that support the
12 early childhood education professional development
13 and career system; and

14 “(3) the ways in which the State Task Force
15 will use funds provided under this subpart and carry
16 out the activities described in section 285.

17 **“SEC. 287. EVALUATIONS.**

18 “(a) STATE EVALUATION.—Each State receiving a
19 grant under this subpart shall—

20 “(1) evaluate the activities that are assisted
21 under this subpart in order to determine—

22 “(A) the effectiveness of the activities in
23 achieving State goals;

1 “(B) the impact of a career lattice for indi-
2 viduals working in early childhood education
3 programs;

4 “(C) the impact of the activities on licens-
5 ing or regulating requirements for individuals
6 in the field of early childhood development;

7 “(D) the impact of the activities, and the
8 impact of the statewide plan described in sec-
9 tion 286(a)(3), on the quality of education, pro-
10 fessional development, and training related to
11 early childhood education programs that are of-
12 fered in the State;

13 “(E) the change in compensation and re-
14 tention of individuals working in early childhood
15 education programs within the State resulting
16 from the activities; and

17 “(F) the impact of the activities on the de-
18 mographic characteristics of individuals working
19 in early childhood education programs; and

20 “(2) submit a report at the end of the grant pe-
21 riod to the Secretary regarding the evaluation de-
22 scribed in paragraph (1).

23 “(b) SECRETARY’S EVALUATION.—Not later than
24 September 30, 2013, the Secretary, in consultation with
25 the Secretary of Health and Human Services, shall pre-

1 pare and submit to the authorizing committees an evalua-
2 tion of the State reports submitted under subsection
3 (a)(2).”.

4 **SEC. 202. NATIONAL ACADEMY OF SCIENCES STUDY OF**
5 **BEST PRACTICES IN TEACHER PREPARATION.**

6 (a) IN GENERAL.—The Secretary shall enter into a
7 contract with the National Academy of Sciences to con-
8 duct a 2-year study to develop suggested best practices
9 in teacher preparation for schools of education. Such best
10 practices shall include recommendations related to the
11 skills teachers need to be highly qualified.

12 (b) BEST RESEARCH; SUGGESTED TRAINING.—The
13 suggested best practices developed under subsection (a)
14 shall reflect the best research into how students learn and
15 on the content-specific methods shown to be effective with
16 students, including examining how children learn. The
17 suggested best practices shall include suggested training
18 in working with diverse populations, assessments in the
19 classroom, and classroom management.

20 (c) COLLABORATION.—

21 (1) IN GENERAL.—In conducting the study
22 under subsection (a), the National Academy of
23 Sciences shall collaborate with interested parties in
24 developing the suggested best practices.

1 (2) INTERESTED PARTIES.—In this subsection,
2 the term “interested parties” means—

3 (A) college presidents;

4 (B) deans of arts and sciences and teacher
5 education programs;

6 (C) teacher preparation faculty;

7 (D) chief State school officers;

8 (E) school superintendents;

9 (F) teacher organizations;

10 (G) outstanding teachers and principals;

11 (H) teacher preparation accrediting organi-
12 zations; and

13 (I) other organizations with expertise in
14 teacher recruitment and training.

15 **TITLE III—TITLE III**
16 **AMENDMENTS**

17 **SEC. 301. PROGRAM PURPOSE.**

18 Section 311 (20 U.S.C. 1057) is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1), by striking “351”
21 and inserting “391”; and

22 (B) in paragraph (3)(F), by inserting “,
23 including services that will assist in the edu-
24 cation of special populations” before the period;
25 and

1 (2) in subsection (c)—

2 (A) in paragraph (6), by inserting “, in-
3 cluding innovative, customized, instruction
4 courses designed to help retain students and
5 move the students rapidly into core courses and
6 through program completion” before the period;

7 (B) by redesignating paragraphs (7)
8 through (12) as paragraphs (8) through (13),
9 respectively;

10 (C) by inserting after paragraph (6) the
11 following:

12 “(7) Education or counseling services designed
13 to improve the financial literacy and economic lit-
14 eracy of students or the students’ parents.”;

15 (D) in paragraph (12) (as redesignated by
16 subparagraph (B)), by striking “distance learn-
17 ing academic instruction capabilities” and in-
18 serting “distance education technologies”; and

19 (E) in the matter preceding subparagraph
20 (A) of paragraph (13) (as redesignated by sub-
21 paragraph (B)), by striking “subsection (c)”
22 and 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
12 Navajo 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.—Subsection (c)(2) of such
18 section is amended—

19 (1) by amending subparagraph (B) to read as
20 follows:

21 “(B) construction, maintenance, renova-
22 tion, and improvement in classrooms, libraries,
23 laboratories, and other instructional facilities,
24 including purchase or rental of telecommuni-
25 cations technology equipment or services, and
26 the acquisition of real property adjacent to the

1 campus of the institution on which to construct
2 such facilities;”;

3 (2) in subparagraph (C), by inserting before the
4 semicolon at the end the following: “, or advanced
5 degrees in tribal governance or tribal public policy”;

6 (3) in subparagraph (D), by inserting before
7 the semicolon at the end the following: “, and in
8 tribal 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 aca-
17 demic instruction capabilities; and”.

18 (c) APPLICATION AND ALLOTMENT.—Subsection (d)
19 of such section is amended to read as follows:

20 “(d) APPLICATION AND ALLOTMENT.—

21 “(1) INSTITUTIONAL ELIGIBILITY.—To be eligi-
22 ble to receive assistance under this section, a Tribal
23 College 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
5 may reasonably require.

6 “(3) MINIMUM GRANT.—The amount allotted to
7 each institution under this section shall not be less
8 than \$500,000.

9 “(4) SPECIAL RULES.—

10 “(A) CONCURRENT FUNDING.—For the
11 purposes of this part, no Tribal College or Uni-
12 versity that is eligible for and receives funds
13 under this section shall concurrently receive
14 funds under other provisions of this part or
15 part B.

16 “(B) EXEMPTION.—Section 313(d) shall
17 not apply to institutions that are eligible to re-
18 ceive funds under this section.”.

19 (d) ALLOTMENT OF REMAINING FUNDS.—After sub-
20 section (d) of section 316 (20 U.S.C. 1059c(d)), as
21 amended by subsection (c) of this section, add the fol-
22 lowing new subsection:

23 “(e) ALLOTMENT OF REMAINING FUNDS.—The Sec-
24 retary shall distribute any funds appropriated to carry out
25 this section for any fiscal year that remain available after

1 the Secretary has awarded grants under subsection (e),
2 to each eligible institution as follows:

3 “(1) 60 percent of the remaining appropriated
4 funds shall be distributed among the eligible Tribal
5 Colleges and Universities on a pro rata basis, based
6 on the respective Indian student counts (as defined
7 in section 2(a) of the Tribally Controlled College or
8 University Assistance Act of 1978 (25 U.S.C.
9 1801(a)) of the Tribal Colleges and Universities;
10 and

11 “(2) the remaining 40 percent shall be distrib-
12 uted in equal shares to the eligible Tribal Colleges
13 and Universities.”.

14 **SEC. 303. PREDOMINANTLY BLACK INSTITUTIONS.**

15 Part A of title III is amended by inserting after sec-
16 tion 317 (20 U.S.C. 1059d) the following new section:

17 **“SEC. 318. PREDOMINANTLY BLACK INSTITUTIONS.**

18 “(a) PURPOSE.—It is the purpose of this section to
19 assist Predominantly Black Institutions in expanding edu-
20 cational opportunity through a program of Federal assist-
21 ance.

22 “(b) DEFINITIONS.—For purposes of this section:

23 “(1) PREDOMINANTLY BLACK INSTITUTION.—
24 The term ‘Predominantly Black Institution’ means
25 an institution of higher education—

1 “(A) that is an eligible institution (as de-
2 fined in paragraph (5)(A) of this subsection)
3 with a minimum of 1,000 undergraduate stu-
4 dents;

5 “(B) at which at least 50 percent of the
6 undergraduate students enrolled at the institu-
7 tion are low-income individuals or first-genera-
8 tion college students (as that term is defined in
9 section 402A(g)); and

10 “(C) at which at least 50 percent of the
11 undergraduate students are enrolled in an edu-
12 cational program leading to a bachelor’s or as-
13 sociate’s degree that the institution is licensed
14 to award by the State in which it is located.

15 “(2) LOW-INCOME INDIVIDUAL.—The term
16 ‘low-income individual’ has the meaning given such
17 term in section 402A(g).

18 “(3) MEANS-TESTED FEDERAL BENEFIT PRO-
19 GRAM.—The term ‘means-tested Federal benefit pro-
20 gram’ means a program of the Federal Government,
21 other than a program under title IV, in which eligi-
22 bility for the programs’ benefits, or the amount of
23 such benefits, or both, are determined on the basis
24 of income or resources of the individual or family
25 seeking the benefit.

1 “(4) STATE.—The term ‘State’ means each of
2 the 50 States and the District of Columbia.

3 “(5) OTHER DEFINITIONS.—For purposes of
4 this section, the terms defined by section 312 have
5 the meanings provided by that section, except as fol-
6 lows:

7 “(A) ELIGIBLE INSTITUTION.—

8 “(i) The term ‘eligible institution’
9 means an institution of higher education
10 that—

11 “(I) has an enrollment of needy
12 undergraduate students as required
13 and defined by subparagraph (B);

14 “(II) except as provided in sec-
15 tion 392(b), the average educational
16 and general expenditure of which are
17 low, per full-time equivalent under-
18 graduate student in comparison with
19 the average educational and general
20 expenditure per full-time equivalent
21 undergraduate student of institutions
22 that offer similar instruction;

23 “(III) has an enrollment of un-
24 dergraduate students that is at least
25 40 percent Black American students;

1 “(IV) is legally authorized to pro-
2 vide, and provides within the State,
3 an educational program for which the
4 institution awards a bachelors degree,
5 or in the case of a junior or commu-
6 nity college, an associate’s degree;

7 “(V) is accredited by a nationally
8 recognized accrediting agency or asso-
9 ciation determined by the Secretary to
10 be a reliable authority as to the qual-
11 ity of training offered, or is, according
12 to such an agency or association,
13 making reasonable progress toward
14 accreditation; and

15 “(VI) is not receiving assistance
16 under part B of this title.

17 “(ii) In awarding grants under this
18 section the Secretary shall give priority to
19 Predominantly Black Institutions with
20 large numbers or percentages of students
21 described in clause (i)(II) or clause (i)(III).
22 The level of priority given to Predomi-
23 nantly Black Institutions with large num-
24 bers or percentages of students described
25 in paragraph (1)(B) shall be twice the level

1 of priority given to Predominantly Black
2 Institutions with large numbers or percent-
3 ages of students described in paragraph
4 (1)(C).

5 “(B) ENROLLMENT OF NEEDY STU-
6 DENTS.—The term ‘enrollment of needy stu-
7 dents’ means the enrollment at an eligible insti-
8 tution with respect to which at least 50 percent
9 of the undergraduate students enrolled in an
10 academic program leading to a degree—

11 “(i) in the second fiscal year pre-
12 ceding the fiscal year for which the deter-
13 mination is made, were Pell Grant recipi-
14 ents in such year;

15 “(ii) come from families that receive
16 benefits under a means-tested Federal ben-
17 efits program (as defined in subsection
18 (b)(3));

19 “(iii) attended a secondary school that
20 was a high-need school during any year of
21 such attendance; or

22 “(iv) are ‘first-generation college stu-
23 dents’ as that term is defined in section
24 402A(g), and a majority of such first-gen-

1 eration college students are low-income in-
2 dividuals.

3 “(c) AUTHORIZED ACTIVITIES.—

4 “(1) TYPES OF ACTIVITIES AUTHORIZED.—
5 Grants awarded pursuant to subsection (d) shall be
6 used by Predominantly Black Institutions—

7 “(A) to assist the institution to plan, de-
8 velop, undertake, and implement programs to
9 enhance the institution’s capacity to serve more
10 low- and middle-income Black American stu-
11 dents;

12 “(B) to expand higher education opportu-
13 nities for title IV eligible students by encour-
14 aging college preparation and student persist-
15 ence in secondary and postsecondary education;
16 and

17 “(C) to strengthen the institution’s finan-
18 cial ability to serve the academic needs of the
19 students described in subparagraphs (A) and
20 (B).

21 “(2) AUTHORIZED ACTIVITIES.—Grants made
22 to an institution under subsection (d) shall be used
23 for one or more of the following activities:

24 “(A) The activities described in section
25 311(c)(1) through (11).

1 “(B) Academic instruction in disciplines in
2 which Black Americans are underrepresented.

3 “(C) Establishing or enhancing a program
4 of teacher education designed to qualify stu-
5 dents to teach in a public elementary or sec-
6 ondary school in the State that shall include, as
7 part of such program, preparation for teacher
8 certification.

9 “(D) Establishing community outreach
10 programs which will encourage elementary and
11 secondary students to develop the academic
12 skills and the interest to pursue postsecondary
13 education.

14 “(E) Other activities proposed in the appli-
15 cation submitted pursuant to subsection (e)
16 that—

17 “(i) contribute to carrying out the
18 purposes of this section; and

19 “(ii) are approved by the Secretary as
20 part of the review and acceptance of such
21 application.

22 “(3) ENDOWMENT FUND.—

23 “(A) IN GENERAL.—A Predominantly
24 Black Institution may use not more than 20
25 percent of the grant funds provided under this

1 section to establish or increase an endowment
2 fund at the institution.

3 “(B) MATCHING REQUIREMENT.—In order
4 to be eligible to use grant funds in accordance
5 with subparagraph (A), the Predominantly
6 Black Institution shall provide matching funds
7 from non-Federal sources, in an amount equal
8 to or greater than the Federal funds used in ac-
9 cordance with subparagraph (A), for the estab-
10 lishment or increase of the endowment fund.

11 “(C) COMPARABILITY.—The provisions of
12 part C regarding the establishment or increase
13 of an endowment fund, that the Secretary de-
14 termines are not inconsistent with this sub-
15 section, shall apply to funds used under sub-
16 paragraph (A).

17 “(4) LIMITATION.—Not more than 50 percent
18 of the allotment of any Predominantly Black Institu-
19 tion may be available for the purpose of constructing
20 or maintaining a classroom, library, laboratory, or
21 other instructional facility.

22 “(d) ALLOTMENTS TO PREDOMINANTLY BLACK IN-
23 STITUTIONS.—

24 “(1) ALLOTMENT: PELL GRANT BASIS.—From
25 the amounts appropriated to carry out this section

1 for any fiscal year, the Secretary shall allot to each
2 Predominantly Black Institution having an applica-
3 tion approved under subsection (e) a sum which
4 bears the same ratio to one-half that amount as the
5 number of Pell Grant recipients in attendance at
6 such institution at the end of the academic year pre-
7 ceding the beginning of that fiscal year bears to the
8 total number of Pell Grant recipients at all institu-
9 tions eligible under this section.

10 “(2) ALLOTMENT: GRADUATES BASIS.—From
11 the amounts appropriated to carry out this section
12 for any fiscal year, the Secretary shall allot to each
13 Predominantly Black Institution having an applica-
14 tion approved under subsection (e) a sum which
15 bears the same ratio to one-fourth that amount as
16 the number of graduates for such school year at
17 such institution bears to the total number of grad-
18 uates for such school year at all intuitions eligible
19 under this section.

20 “(3) ALLOTMENT: GRADUATES SEEKING A
21 HIGHER DEGREE BASIS.—From the amounts appro-
22 priated to carry out this section for any fiscal year,
23 the Secretary shall allot to each Predominantly
24 Black Institution having an application approved
25 under subsection (e) a sum which bears the same

1 ratio to one-fourth of that amount as the percentage
2 of graduates per institution who are admitted to and
3 in attendance at, within 2 years of graduation with
4 an associates degree or a baccalaureate degree, ei-
5 ther a baccalaureate degree-granting institution or a
6 graduate or professional school in a degree program
7 in disciplines in which Black American students are
8 underrepresented, bears to the percentage of such
9 graduates per institution for all eligible institutions.

10 “(4) MINIMUM ALLOTMENT.—(A) Notwith-
11 standing paragraphs (1), (2), and (3), the amount
12 allotted to each Predominantly Black Institution
13 under this section shall not be less than \$250,000.

14 “(B) If the amount appropriated pursuant to
15 section 399 for any fiscal year is not sufficient to
16 pay the minimum allotment, the amount of such
17 minimum allotment shall be ratably reduced. If addi-
18 tional sums become available for such fiscal year,
19 such reduced allocation shall be increased on the
20 same basis as it was reduced until the amount allot-
21 ted equals the minimum allotment required by sub-
22 paragraph (A).

23 “(5) REALLOTMENT.—The amount of a Pre-
24 dominantly Black Institution’s allotment under para-
25 graph (1), (2), (3), or (4) for any fiscal year, which

1 the Secretary determines will not be required for
2 such institution for the period such allotment is
3 available, shall be available for reallocation to other
4 Predominantly Black Institutions in proportion to
5 the original allotment to such other institutions
6 under this section for such fiscal year. The Secretary
7 shall reallocate such amounts from time to time, on
8 such date and during such period as the Secretary
9 deems appropriate.

10 “(e) APPLICATIONS.—No Predominantly Black Insti-
11 tution shall be entitled to its allotment of Federal funds
12 for any grant under subsection (d) for any period unless
13 the institution submits an application to the Secretary at
14 such time, in such manner, and containing or accompanied
15 by such information as the Secretary may reasonably re-
16 quire.

17 “(f) APPLICATION REVIEW PROCESS.—Section 393
18 shall not apply to applications under this section.

19 “(g) PROHIBITION.—No Predominantly Black Insti-
20 tution that applies for and receives a grant under this sec-
21 tion may apply for or receive funds under any other pro-
22 gram under this part or part B of this title.

23 “(h) DURATION AND CARRYOVER.—Any funds paid
24 to a Predominantly Black Institution under this section
25 and not expended or used for the purposes for which the

1 funds were paid within 10 years following the date of the
2 grant awarded to such institution under this section shall
3 be repaid to the Treasury of the United States.”.

4 **SEC. 304. ASSISTANCE TO ASIAN AMERICAN AND PACIFIC**
5 **ISLANDER-SERVING INSTITUTIONS.**

6 Part A of title III is amended by inserting after sec-
7 tion 318 (as added by section 303 of this Act) the fol-
8 lowing new section:

9 **“SEC. 319. ASIAN AMERICAN AND NATIVE AMERICAN PA-**
10 **CIFIC ISLANDER-SERVING INSTITUTIONS.**

11 “(a) PROGRAM AUTHORIZED.—The Secretary shall
12 provide grants and related assistance to Asian American
13 and Pacific Islander-serving institutions to enable such in-
14 stitutions to improve and expand their capacity to serve
15 Asian Americans and Pacific Islanders.

16 “(b) DEFINITIONS.—For the purpose of this sec-
17 tion—

18 “(1) the term ‘Asian American’ has the mean-
19 ing given the term Asian in the Office of Manage-
20 ment and Budget’s Standards for Maintaining, Col-
21 lecting, and Presenting Federal Data on Race and
22 Ethnicity as published on October 30, 1997 (62
23 Fed. Reg. 58789);

24 “(2) the term ‘Native American Pacific Is-
25 lander’ means any descendant of the aboriginal peo-

1 ple of any island in the Pacific Ocean that is a terri-
2 tory or possession of the United States;

3 “(3) The term ‘Asian American and Native
4 American Pacific Islander-serving institution’ means
5 an institution of higher education that—

6 “(A) is an eligible institution under section
7 312(b); and

8 “(B) at the time of application, has an en-
9 rollment of undergraduate students that is at
10 least 10 percent Asian American and Native
11 American Pacific Islander students; and

12 “(4) the term ‘low-income individual’ means an
13 individual from a family whose taxable income for
14 the preceding year did not exceed 150 percent of an
15 amount equal to the poverty level determined by
16 using criteria of poverty established by the Bureau
17 of the Census.

18 “(c) AUTHORIZED ACTIVITIES.—

19 “(1) TYPES OF ACTIVITIES AUTHORIZED.—
20 Grants awarded under this section shall be used by
21 Asian American and Pacific Islander-serving institu-
22 tions to assist such institutions to plan, develop, un-
23 dertake, and carry out activities to improve and ex-
24 pand such institutions’ capacity to serve Asian
25 Americans and Pacific 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 aca-
15 demic 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
24 programs and student support services;

1 “(I) establishing community outreach pro-
2 grams that will encourage elementary school
3 and secondary school students to develop the
4 academic skills and the interest to pursue post-
5 secondary education;

6 “(J) establishing or improving an endow-
7 ment fund;

8 “(K) academic instruction in disciplines in
9 which Asian Americans and Pacific Islanders
10 are under-represented;

11 “(L) conducting research and data collec-
12 tion for Asian American and Pacific Islander
13 populations and sub-populations; and

14 “(M) establishing partnerships with com-
15 munity based organizations serving Asian
16 Americans and Pacific Islanders.

17 “(d) APPLICATION PROCESS.—

18 “(1) INSTITUTIONAL ELIGIBILITY.—Each Asian
19 American and Pacific Islander-serving institution de-
20 siring to receive assistance under this section shall
21 submit to the Secretary such enrollment data as
22 may be necessary to demonstrate that the institution
23 is an Asian American and Pacific Islander-serving
24 institution as defined in subsection (b), along with

1 such other information and data as the Secretary
2 may by regulation require.

3 “(2) APPLICATIONS.—Any institution which is
4 determined by the Secretary to be an Asian Amer-
5 ican and Pacific Islander-serving institution may
6 submit an application for assistance under this sec-
7 tion to the Secretary. Such application shall in-
8 clude—

9 “(A) a 5-year plan for improving the as-
10 sistance provided by the Asian American and
11 Pacific Islander-serving institution to Asian
12 American and Pacific Islander students; and

13 “(B) such other information and assurance
14 as the Secretary may require.

15 “(3) SPECIAL RULES.—

16 “(A) ELIGIBILITY.—No Asian American
17 and Pacific Islander-serving institution that re-
18 ceives funds under this section shall concur-
19 rently receive funds under other provisions of
20 this part or part B.

21 “(B) EXEMPTION.—Section 313(d) shall
22 not apply to institutions that are eligible to re-
23 ceive funds under this section.

24 “(C) DISTRIBUTION.—In awarding grants
25 under this section, the Secretary shall—

1 “(i) to the extent possible and con-
2 sistent with the competitive process under
3 which such grants are awarded, ensure
4 maximum and equitable distribution
5 among all eligible institutions; and

6 “(ii) give priority consideration to in-
7 stitutions that serve a significant percent-
8 age of Asian American and Pacific Is-
9 lander students who are low-income indi-
10 viduals.”.

11 **SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTI-**
12 **TUTIONS.**

13 (a) GRANT PROGRAM AUTHORIZED.—Part A of title
14 III (20 U.S.C. 1057 et seq.) is amended by adding after
15 section 319 (as added by section 304 of this Act):

16 **“SEC. 320. NATIVE AMERICAN-SERVING, NONTRIBAL INSTI-**
17 **TUTIONS.**

18 “(a) PROGRAM AUTHORIZED.—The Secretary shall
19 provide grants and related assistance to Native American-
20 serving, nontribal institutions to enable such institutions
21 to improve and expand their capacity to serve Native
22 Americans.

23 “(b) DEFINITIONS.—In this section:

24 “(1) NATIVE AMERICAN.—The term ‘Native
25 American’ means an individual who is of a tribe,

1 people, or culture that is indigenous to the United
2 States.

3 “(2) NATIVE AMERICAN-SERVING, NONTRIBAL
4 INSTITUTION.—The term ‘Native American-serving,
5 nontribal institution’ means an institution of higher
6 education that, at the time of application—

7 “(A) has an enrollment of undergraduate
8 students that is not less than 10 percent Native
9 American students; and

10 “(B) is not a Tribal College or University
11 (as defined in section 316).

12 “(c) AUTHORIZED ACTIVITIES.—

13 “(1) TYPES OF ACTIVITIES AUTHORIZED.—
14 Grants awarded under this section shall be used by
15 Native American-serving, nontribal institutions to
16 assist such institutions to plan, develop, undertake,
17 and carry out activities to improve and expand such
18 institutions’ capacity to serve Native Americans.

19 “(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—
20 Such programs may include—

21 “(A) the purchase, rental, or lease of sci-
22 entific or laboratory equipment for educational
23 purposes, including instructional and research
24 purposes;

1 “(B) renovation and improvement in class-
2 room, library, laboratory, and other instruc-
3 tional facilities;

4 “(C) support of faculty exchanges, and fac-
5 ulty development and faculty fellowships to as-
6 sist faculty in attaining advanced degrees in the
7 faculty’s field of instruction;

8 “(D) curriculum development and aca-
9 demic instruction;

10 “(E) the purchase of library books, peri-
11 odicals, microfilm, and other educational mate-
12 rials;

13 “(F) funds and administrative manage-
14 ment, and acquisition of equipment for use in
15 strengthening funds management;

16 “(G) the joint use of facilities such as lab-
17 oratories and libraries; and

18 “(H) academic tutoring and counseling
19 programs and student support services.

20 “(d) APPLICATION PROCESS.—

21 “(1) INSTITUTIONAL ELIGIBILITY.—A Native
22 American-serving, nontribal institution desiring to
23 receive assistance under this section shall submit to
24 the Secretary such enrollment data as may be nec-
25 essary to demonstrate that the institution is a Na-

1 tive American-serving, nontribal institution, along
2 with such other information and data as the Sec-
3 retary may by regulation require.

4 “(2) APPLICATIONS.—

5 “(A) PERMISSION TO SUBMIT APPLICA-
6 TIONS.—Any institution that is determined by
7 the Secretary to be a Native American-serving,
8 nontribal institution may submit an application
9 for assistance under this section to the Sec-
10 retary.

11 “(B) SIMPLIFIED AND STREAMLINED FOR-
12 MAT.—The Secretary shall, to the extent pos-
13 sible, prescribe a simplified and streamlined for-
14 mat for applications under this section that
15 takes into account the limited number of insti-
16 tutions that are eligible for assistance under
17 this section.

18 “(C) CONTENT.—An application submitted
19 under subparagraph (A) shall include—

20 “(i) a 5-year plan for improving the
21 assistance provided by the Native Amer-
22 ican-serving, nontribal institution to Native
23 Americans; and

24 “(ii) such other information and as-
25 surances as the Secretary may require.

1 “(3) SPECIAL RULES.—

2 “(A) ELIGIBILITY.—No Native American-
3 serving, nontribal institution that receives funds
4 under this section shall concurrently receive
5 funds under other provisions of this part or
6 part B.

7 “(B) EXEMPTION.—Section 313(d) shall
8 not apply to institutions that are eligible to re-
9 ceive funds under this section.

10 “(C) DISTRIBUTION.—In awarding grants
11 under this section, the Secretary shall, to the
12 extent possible and consistent with the competi-
13 tive process under which such grants are
14 awarded, ensure maximum and equitable dis-
15 tribution among all eligible institutions.”.

16 **SEC. 306. STRENGTHENING HISTORICALLY BLACK COL-**
17 **LEGES AND UNIVERSITIES.**

18 (a) DEFINITIONS.—Section 322(4) (20 U.S.C.
19 1061(4)) is amended by inserting after “the Secretary”
20 the following: “, in consultation with the Commissioner of
21 the National Center for Education Statistics,”.

22 (b) AUTHORIZED ACTIVITIES.—Section 323(a) (20
23 U.S.C. 1062(a)) is amended—

24 (1) by redesignating paragraph (12) as para-
25 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, espe-
9 cially with regard to student indebtedness and stu-
10 dent assistance 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 eli-
22 gible part B institution did not enroll any Pell Grant re-
23 cipients, or did not graduate any students in the previous
24 academic year, or where appropriate, send any such grad-

1 uates on to graduate or first-professional degree study, the
2 institution 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
6 shall receive an allotment of \$500,000, except that the
7 Secretary shall not make an award of \$500,000 if the
8 amount determined based upon the formulas using sub-
9 section (b), (c), and (d) would be less than \$250,000. If
10 the amount determined by the formula would be less than
11 \$250,000, the Secretary shall award the minimum allot-
12 ment of \$250,000.”.

13 (2) CONDITION FOR ALLOTMENTS.—Section
14 324 (20 U.S.C. 1063) is further amended by adding
15 at the end the following new subsection:

16 “(h) CONDITIONS FOR ALLOTMENTS.—No institution
17 shall receive an allotment under this section unless the in-
18 stitution provides data, required by the Secretary con-
19 sistent with the formula in subsections (a) through (c),
20 including the number of Pell Grant recipients enrolled in
21 the previous award year; the number of students who
22 earned an associate or baccalaureate degree in the pre-
23 vious academic year; and, when appropriate, the percent-
24 age of graduates who, within the past five years, enrolled
25 in a graduate or first-professional degree program. No in-

1 stitution shall receive an allotment, including the min-
2 imum allotment under subsection (d), unless the institu-
3 tion provides the data required of that institution by the
4 Secretary.”.

5 (d) PROFESSIONAL OR GRADUATE INSTITUTIONS.—

6 (1) DURATION OF GRANT.—Section 326(b) (20
7 U.S.C. 1063b(b)) is amended by adding at the end
8 the following new sentence: “Any funds awarded for
9 such five-year grant period that are obligated during
10 such five-year period may be expended during the
11 10-year period beginning on the first day of such
12 five-year period.”

13 (2) AUTHORIZED ACTIVITIES.—Section 326(c)
14 (20 U.S.C. 1063b(c)) is amended—

15 (A) by striking “and” at the end of para-
16 graph (6);

17 (B) by striking the period at the end of
18 paragraph (7) and inserting a semicolon; and

19 (C) by adding at the end the following new
20 paragraphs:

21 “(8) acquisition of real property in connection
22 with the construction, renovation, or addition to or
23 improvement of campus facilities;

24 “(9) education or financial information de-
25 signed to improve the financial literacy and economic

1 literacy of students or the students' parents, espe-
2 cially with regard to student indebtedness and stu-
3 dent assistance programs under the title IV; and

4 “(10) technical assistance or services necessary
5 for the implementation of projects or activities that
6 are described in the grant application and that are
7 approved, in advance, by the Secretary, except that
8 not more than two percent of the grant amount may
9 be used for this purpose.”.

10 (3) ELIGIBILITY.—Section 326(e)(1) (20
11 U.S.C. 1063b(e)(1)) is amended—

12 (A) by striking “and” at the end of sub-
13 paragraph (Q);

14 (B) by striking the period at the end of
15 subparagraph (R) and inserting a semicolon;
16 and

17 (C) by adding at the end the following new
18 subparagraphs:

19 “(S) Alabama State University qualified
20 graduate programs;

21 “(T) Bowie State University qualified
22 graduate programs;

23 “(U) Delaware State University qualified
24 graduate programs;

1 “(V) Langston University qualified grad-
2 uate programs;

3 “(W) Prairie View A&M University quali-
4 fied graduate programs; and

5 “(X) University of the District of Colum-
6 bia David A. Clarke School of Law.”.

7 (4) CONFORMING AMENDMENT.—Section
8 326(e)(3) (20 U.S.C. 1063b(e)(3)) is amended—

9 (A) by striking “1998” and inserting
10 “2008”; and

11 (B) by striking “(Q) and (R)” and insert-
12 ing “(S) through (X)”.

13 (5) PRESERVATION OF FUNDING.—Section
14 326(f) (20 U.S.C. 1063b(f)) is amended—

15 (A) in paragraph (1)—

16 (i) by striking “\$26,600,000” and in-
17 serting “\$54,500,000”; and

18 (ii) by striking “(P)” and inserting
19 “(R)”;

20 (B) in paragraph (2)—

21 (i) by striking “\$26,600,000, but not
22 in excess of \$28,600,000” and inserting
23 “\$54,500,000, but not in excess of
24 \$60,500,000”; and

1 (ii) by striking “subparagraphs (Q)
2 and (R)” and inserting “subparagraphs
3 (S) through (X)”; and
4 (C) in paragraph (3)—
5 (i) by striking “\$28,600,000” and in-
6 serting “\$60,500,000”; and
7 (ii) by striking “(R)” and inserting
8 “(X)”.

9 (e) UNEXPENDED FUNDS.—Section 327(b) (20
10 U.S.C. 1063c(b)) is amended to read as follows:

11 “(b) USE OF UNEXPENDED FUNDS.—Any funds paid
12 to an institution and not expended or used for the pur-
13 poses for which the funds were paid during the five-year
14 period following the date of the initial grant award, may
15 be carried over and expended during the succeeding five-
16 year period, if such funds were obligated for a purpose
17 for which the funds were paid during the five-year period
18 following the date of the initial grant award.”.

19 **SEC. 307. ENDOWMENT CHALLENGE GRANTS.**

20 Section 331(b) (20 U.S.C. 1065(b)) is amended—

21 (1) in paragraph (2)(B)(i), by striking
22 “\$500,000” and inserting “\$1,000,000”; and
23 (2) in paragraph (5), by striking “\$50,000”
24 and inserting “\$100,000”.

1 **SEC. 308. PROGRAMS IN STEM FIELDS.**

2 (a) YES PARTNERSHIPS; ENTRY INTO STEM
3 FIELDS.—Part E of title III (20 U.S.C.1067 et seq.) is
4 amended—

5 (1) by redesignating subpart 2 as subpart 3;
6 and

7 (2) by inserting after subpart 1 the following
8 new subpart:

9 **“Subpart 2—Programs in STEM Fields**

10 **“SEC. 355. YES PARTNERSHIPS GRANT PROGRAM.**

11 “(a) GRANT PROGRAM AUTHORIZED.—Subject to the
12 availability of appropriations to carry out this subpart, the
13 Secretary shall make grants to eligible partnerships (as
14 described in subsection (f)) to support underrepresented
15 minority youth engagement in science, technology, engi-
16 neering, and mathematics through outreach and hands-on,
17 experiential-based learning projects that encourage under-
18 represented minority students in kindergarten through
19 grade 12 to pursue careers in science, technology, engi-
20 neering, and mathematics.

21 “(b) MINIMUM GRANT AMOUNT.—A grant awarded
22 to a partnership under this subpart shall be for an amount
23 that is not less than \$500,000.

24 “(c) DURATION.—A grant awarded under this sub-
25 part shall be for a period of 5 years.

1 “(d) NON-FEDERAL MATCHING SHARE RE-
2 QUIRED.—A partnership receiving a grant under this sub-
3 part shall provide, from non-Federal sources, in cash or
4 in kind, an amount equal to 50 percent of the costs of
5 the project supported by such grant.

6 “(e) DISTRIBUTION OF GRANTS.—In awarding
7 grants under this subpart, the Secretary shall ensure that,
8 to the maximum extent practicable, the projects funded
9 under this subpart are located in diverse geographic re-
10 gions of the United States.

11 “(f) ELIGIBLE PARTNERSHIPS.—Notwithstanding
12 the general eligibility provision in section 361, eligibility
13 to receive grants under this subpart is limited to partner-
14 ships described in paragraph (5) of such section.

15 **“SEC. 356. PROMOTION OF ENTRY INTO STEM FIELDS.**

16 “(a) AUTHORITY TO CONTRACT, SUBJECT TO APPRO-
17 PRIATIONS.—The Secretary of Education is authorized to
18 enter into a contract with a firm with a demonstrated
19 record of success in advertising to implement a campaign
20 to expand the population of qualified individuals in
21 science, technology, engineering, and math (STEM) fields
22 by encouraging young Americans to enter the those fields.

23 “(b) DESIGN OF CAMPAIGN.—Such a campaign shall
24 be designed to enhance the image of education and profes-

1 sions in the STEM fields and promote participation in the
2 STEM fields and shall include—

3 “(1) monitoring trends in youth attitudes to-
4 ward pursuing education and professions in the
5 STEM fields and their propensity toward entering
6 the STEM fields;

7 “(2) determining what factors contribute to en-
8 couraging and discouraging Americans from pur-
9 suing study in STEM fields and/or entering the
10 STEM fields professionally;

11 “(3) determining what specific factors limit the
12 participation of groups currently underrepresented
13 in STEM fields, including Latinos, African-Ameri-
14 cans, and women; and

15 “(4) drawing from the market research per-
16 formed under this section and implementing an ad-
17 vertising campaign to encourage young Americans to
18 take up studies in STEM fields, beginning at an
19 early age.

20 “(c) REQUIRED COMPONENTS.—Such a campaign
21 shall include components that focus tailored messages on
22 appropriate age groups, starting with elementary school
23 students. Such a campaign shall link participation in the
24 STEM fields to the concept of service to one’s country,
25 so that young people will be encouraged to enter the

1 STEM fields in order fulfill the obligation to be of service
2 to their country.

3 “(d) PRIORITY.—Such a campaign shall hold as a
4 high priority making specific appeals to Latinos, African-
5 Americans, and women, who are currently under-rep-
6 resented in the STEM fields, in order to increase their
7 numbers in the STEM fields, and shall tailor recruitment
8 efforts to each specific group.

9 “(e) USE OF VARIETY OF MEDIA.—Such a campaign
10 shall make use of a variety of media, with an emphasis
11 on television advertising, to reach its intended audience.

12 “(f) TEACHING.—Such a campaign shall include a
13 narrowly focused effort to attract current professionals in
14 the STEM fields, through advertising in mediums likely
15 to reach that specific group, into teaching in a STEM field
16 in elementary and secondary school.

17 **“SEC. 357. EVALUATION AND ACCOUNTABILITY PLAN.**

18 “The Secretary shall develop an evaluation and ac-
19 countability plan for projects funded under this subpart
20 to objectively measure the impact of such projects, includ-
21 ing a measure of whether underrepresented minority stu-
22 dent enrollment in courses related to science, technology,
23 engineering, and mathematics increases at the secondary
24 and postsecondary levels.”.

1 (b) ELIGIBILITY FOR GRANTS.—Section 361 (20
2 U.S.C. 1067g) is amended—

3 (1) by striking “or” at the end of paragraph
4 (3);

5 (2) by striking the period at the end of para-
6 graph (4) and inserting “; or”; and

7 (3) by adding at the end the following new
8 paragraph:

9 “(5) only with respect to grants under subpart
10 2, partnerships of organizations, the membership of
11 which shall include—

12 “(A) at least one institution of higher edu-
13 cation eligible for assistance under this title or
14 title V;

15 “(B) at least one high need local edu-
16 cational agency (as defined in section 200); and

17 “(C) at least two community organizations
18 or entities, such as businesses, professional as-
19 sociations, community-based organizations, phil-
20 anthropic organizations, or State agencies.”.

21 **SEC. 309. TECHNICAL ASSISTANCE.**

22 Section 391 (20 U.S.C. 1068) is amended by adding
23 at the end the following new subsection:

24 “(e) TECHNICAL ASSISTANCE.—The Secretary, di-
25 rectly or by grant or contract, may provide technical as-

1 sistance to eligible institutions to prepare the institutions
2 to qualify, apply for, and maintain a grant, under this
3 title.”.

4 **SEC. 310. WAIVER AUTHORITY.**

5 (a) Section 392 (20 U.S.C. 1068a) is amended by
6 adding at the end the following new subsection:

7 “(c) WAIVER AUTHORITY WITH RESPECT TO INSTI-
8 TUTIONS LOCATED IN AN AREA AFFECTED BY A GULF
9 HURRICANE DISASTER.—

10 “(1) WAIVER AUTHORITY.—Notwithstanding
11 any other provision of the law unless enacted with
12 specific reference to this section, for any affected in-
13 stitution that was receiving assistance under this
14 title at the time of a Gulf hurricane disaster, the
15 Secretary shall, for each of the fiscal years 2009
16 through 2013—

17 “(A) waive—

18 “(i) the eligibility data requirements
19 set forth in section 391(d);

20 “(ii) the wait-out period set forth in
21 section 313(d);

22 “(iii) the allotment requirements
23 under section 324; and

1 “(iv) the use of the funding formula
2 developed pursuant to section 326(f)(3);
3 and

4 “(B) waive or modify any statutory or reg-
5 ulatory provision to ensure that affected institu-
6 tions that were receiving assistance under this
7 title at the time of a Gulf hurricane disaster are
8 not adversely impacted by any formula calcula-
9 tion for fiscal year 2009 or for any of the 4
10 succeeding fiscal years;

11 “(C) make available to each affected insti-
12 tution an amount that is not less than the
13 amount made available to such institution
14 under this title for fiscal year 2006.

15 “(2) DEFINITIONS.—In this subsection:

16 “(A) AFFECTED INSTITUTION.—The term
17 ‘affected institution’ means an institution of
18 higher education that—

19 “(i) is—

20 “(I) a part A institution, as such
21 term is defined in section 312(b);

22 “(II) an American Indian Tribal
23 College or University, as such term is
24 defined in section 316(b);

1 “(III) an Alaskan Native-serving
2 institution or Native Hawaiian-serving
3 institution, as such terms are defined
4 in section 317(b); or

5 “(IV) a part B institution, as
6 such term is defined in section
7 322(2), or as identified in section
8 326(e) of such Act of 1965 (20
9 U.S.C. 1063(b));

10 “(ii) is located in an area affected by
11 a Gulf hurricane disaster; and

12 “(iii) is able to demonstrate that, as a
13 result of the impact of a Gulf hurricane
14 disaster, the institution—

15 “(I) incurred physical damage;

16 “(II) has pursued collateral
17 source compensation from insurance,
18 the Federal Emergency Management
19 Agency, and the Small Business Ad-
20 ministration, as appropriate; and

21 “(III) was not able to fully re-
22 open in existing facilities or to fully
23 reopen to the pre-hurricane enroll-
24 ment levels during the 30-day period
25 beginning on August 29, 2005.

1 “(B) AREA AFFECTED BY A GULF HURRI-
2 CANE DISASTER; GULF HURRICANE DIS-
3 ASTER.—The terms ‘area affected by a Gulf
4 hurricane disaster’ and ‘Gulf hurricane disaster’
5 have the meanings given such terms in section
6 209 of the Higher Education Hurricane Relief
7 Act of 2005 (Public Law 109-148, 119 Stat.
8 2809).”.

9 **SEC. 311. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) AUTHORIZATIONS.—Section 399(a) (20 U.S.C.
11 1068h(a)) is amended to read as follows:

12 “(a) AUTHORIZATIONS.—

13 “(1) PART A.—(A) There are authorized to be
14 appropriated to carry out part A, \$150,000,000
15 (other than sections 316 through 320) for fiscal year
16 2009, and such sums as may be necessary for each
17 of the 4 succeeding fiscal years.

18 “(B) There are authorized to be appropriated
19 to carry out section 316, \$30,000,000 for fiscal year
20 2009 and such sums as may be necessary for each
21 of the 4 succeeding fiscal years.

22 “(C) There are authorized to be appropriated to
23 carry out section 317, \$15,000,000 for fiscal year
24 2009 and such sums as may be necessary for each
25 of the 4 succeeding fiscal years.

1 “(D) There are authorized to be appropriated
2 to carry out section 318, \$75,000,000 for fiscal year
3 2009 and such sums as may be necessary for each
4 of the 4 succeeding fiscal years.

5 “(E) There are authorized to be appropriated
6 to carry out section 319, \$30,000,000 for fiscal year
7 2009 and such sums as may be necessary for each
8 of the 4 succeeding fiscal years.

9 “(F) There are authorized to be appropriated to
10 carry out section 320, \$25,000,000 for fiscal year
11 2009 and such sums as may be necessary for each
12 of the 4 succeeding fiscal years.

13 “(2) PART B.—(A) There are authorized to be
14 appropriated to carry out part B (other than section
15 326), \$300,000,000 for fiscal year 2009, and such
16 sums as may be necessary for each of the 4 suc-
17 ceeding fiscal years.

18 “(B) There are authorized to be appropriated
19 to carry out section 326, \$100,000,000 for fiscal
20 year 2009, and such sums as may be necessary for
21 each of the 4 succeeding fiscal years.

22 “(3) PART C.—There are authorized to be ap-
23 propriated to carry out part C, \$20,000,000 for fis-
24 cal year 2009, and such sums as may be necessary
25 for each of the 4 succeeding fiscal years.

1 “(4) PART D.—(A) There are authorized to be
2 appropriated to carry out part D (other than section
3 345(7), but including section 347), \$150,000 for fis-
4 cal year 2009, and such sums as may be necessary
5 for each of the 4 succeeding fiscal years.

6 “(B) There are authorized to be appropriated
7 to carry out section 345(7), such sums as may be
8 necessary for fiscal year 2009 and each of the 4 suc-
9 ceeding fiscal years.

10 “(5) PART E.—(A) There are authorized to be
11 appropriated to carry out subpart 1 of part E,
12 \$12,000,000 for fiscal year 2009 and such sums as
13 may be necessary for each of the 4 succeeding fiscal
14 years.

15 “(B) There are authorized to be appropriated
16 to carry out subpart 2 of part E , \$10,000,000 for
17 fiscal year 2009 and such sums as may be necessary
18 for each of the 4 succeeding fiscal years.”.

19 (b) MINIMUM GRANT AMOUNT.—Section 399 (20
20 U.S.C. 1068h) is amended by adding at the end the fol-
21 lowing:

22 “(c) MINIMUM GRANT AMOUNT.—The minimum
23 amount of a grant under this title shall be \$200,000.”.

1 **SEC. 312. TECHNICAL CORRECTIONS.**

2 (a) AMENDMENTS.—Title III (20 U.S.C. 1051 et
3 seq.) is further amended—

4 (1) in section 342(5)(C) (20 U.S.C.
5 1066a(5)(C)), by striking “,” and inserting “,”;

6 (2) in section 343(e) (20 U.S.C. 1066b(e)), by
7 inserting “SALE OF QUALIFIED BONDS.—” before
8 “Notwithstanding”;

9 (3) in the matter preceding clause (i) of section
10 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking
11 “support” and inserting “supports”;

12 (4) in section 391(b)(7)(E) (20 U.S.C.
13 1068(b)(7)(E)), by striking “subparagraph (E)” and
14 inserting “subparagraph (D)”;

15 (5) in the matter preceding subparagraph (A)
16 of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by
17 striking “eligible institutions under part A institu-
18 tions” and inserting “eligible institutions under part
19 A”; and

20 (6) in the matter preceding paragraph (1) of
21 section 396 (20 U.S.C. 1068e), by striking “360”
22 and inserting “399”.

23 (b) REDESIGNATION AND RELOCATION.—The Higher
24 Education Act of 1965 is further amended—

25 (1) by redesignating part J of title IV (as
26 added by section 802 of the College Cost Reduction

1 and Access Act) as part G of title III, and moving
2 such part from the end of title IV to the end of title
3 III; and

4 (2) by redesignating section 499A (as added by
5 such section) as section 399A.

6 **TITLE IV—TITLE IV**
7 **AMENDMENTS**

8 **PART A—PART A AMENDMENTS**

9 **SEC. 401. FEDERAL PELL GRANTS.**

10 (a) **EXTENSION OF AUTHORITY.**—Section 401(a) (20
11 U.S.C. 1070a(a)) is amended by striking “2004” and in-
12 serting “2014”.

13 (b) **AUTHORIZED MAXIMUMS.**—Section 401(b)(2)(A)
14 (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

15 “(2)(A) The amount of the Federal Pell Grant for
16 a student eligible under this part shall be \$9,000 for each
17 of the academic years 2009–2010 through 2013–2014,
18 less an amount equal to the amount determined to be the
19 expected family contribution with respect to that student
20 for that year.”.

21 (c) **MULTIPLE GRANTS.**—

22 (1) **AMENDMENT.**—Paragraph (5) of section
23 401(b) is amended to read as follows:

24 “(5) **YEAR-ROUND PELL GRANTS.**—The Sec-
25 retary is authorized, for students enrolled in a bac-

1 calaureate degree, associate’s degree, or certificate
2 program of study at an eligible institution, to award
3 such students not more than two Pell grants during
4 an award year to permit such students to accelerate
5 progress toward their degree or certificate objectives
6 by enrolling in courses for more than 2 semesters,
7 or 3 quarters, or the equivalent, in a given academic
8 year.”.

9 (2) EFFECTIVE DATE.—The amendment made
10 by paragraph (1) shall be effective July 1, 2009.

11 (d) ACADEMIC COMPETITIVENESS GRANTS.—Section
12 401A (as amended by section 8003 of Public Law 109–
13 171)—

14 (1) in subsection (b), by striking “academic”
15 each place it appears;

16 (2) in subsection (c)—

17 (A) in the matter preceding paragraph
18 (1)—

19 (i) by striking “academic” and insert-
20 ing “award”; and

21 (ii) by striking “full-time”; and

22 (B) by amending paragraph (1) to read as
23 follows:

24 “(1) is an eligible student under section 484,
25 including being enrolled or accepted for enrollment

1 in a degree, certificate, or other eligible program
2 leading to a recognized educational credential at an
3 institution of higher education;” and

4 (C) in paragraph (3)—

5 (i) by striking “academic” each place
6 it appears;

7 (ii) by striking “established by a State
8 or local educational agency and recognized
9 as such by the Secretary” each place it ap-
10 pears in subparagraphs (A)(i) and (B)(i)
11 and inserting “that prepares students for
12 college and work beyond the basic gradua-
13 tion requirements and that is recognized as
14 such by the designated State official, or
15 with respect to any private school or home
16 school, the designated school official for
17 such school, consistent with State law”;

18 (iii) in subparagraph (A)(ii), by in-
19 sserting “, except as part of a secondary
20 school program of study” before the semi-
21 colon;

22 (iv) in subparagraph (C)—

23 (I) by striking clause (i)(II) and
24 inserting the following:

1 “(II) a critical foreign language;
2 and”;

3 (II) in clause (ii), by striking the
4 period at the end and inserting “;
5 and”;

6 (v) by adding at the end the following:

7 “(D) the third or fourth year of a program
8 of undergraduate education at an institution of
9 higher education (as defined in section 101(a))
10 that demonstrates, to the satisfaction of the
11 Secretary, that the institution—

12 “(i) offers a single liberal arts cur-
13 riculum leading to a baccalaureate degree,
14 under which students are not permitted by
15 the institution to declare a major in a par-
16 ticular subject area, and those students—

17 “(I) study, in such years, a sub-
18 ject described in subparagraph (C)(i)
19 that is at least equal to the require-
20 ments for an academic major at an in-
21 stitution of higher education that of-
22 fers a baccalaureate degree in such
23 subject, as certified by an appropriate
24 official from the institution; or

1 “(II) has obtained a cumulative
2 grade point average of at least 3.0 (or
3 the equivalent as determined under
4 regulations prescribed by the Sec-
5 retary) in the relevant coursework;
6 and

7 “(ii) offered such curriculum prior to
8 February 8, 2006.”;

9 (3) in subsection (d)—

10 (A) in paragraph (1)(A)—

11 (i) in clause (i), by inserting “for one
12 academic year during the student’s first
13 year of enrollment” after “\$750”;

14 (ii) in clause (ii), by inserting “for one
15 academic year during the student’s second
16 year of enrollment” after “\$1,300”; and

17 (iii) in clause (iii)—

18 (I) by inserting “for one aca-
19 demic year” after “\$4,000”; and

20 (II) by striking “subsection
21 (c)(3)(C).” and inserting “subpara-
22 graph (C) or (D) of subsection (c)(3),
23 for each of the 2 years described in
24 such subparagraphs; or”;

25 (B) in paragraph (2)—

1 (i) in subparagraph (A)—

2 (I) by striking “an academic”
3 and inserting “a”; and

4 (II) by striking “(B), or (C)”
5 and inserting “(B), (C), or (D)”; and

6 (ii) in subparagraph (B)—

7 (I) by striking “or” at the end of
8 clause (ii); and

9 (II) by striking clause (iii) and
10 inserting the following:

11 “(iii) one academic year under sub-
12 section (c)(3)(C); or

13 “(iv) one academic year under sub-
14 section (c)(3)(D).”; and

15 (C) by adding at the end the following new
16 paragraph:

17 “(3) ADJUSTMENT FOR LESS THAN FULL-TIME
18 ENROLLMENT.—A grant awarded under this section
19 to an eligible student who attends an eligible institu-
20 tion on a less than full-time (but at least half-time
21 or more) basis shall be reduced in the same propor-
22 tion as would a Federal Pell Grant pursuant to sec-
23 tion 401(b)(2)(B).”; and

24 (4) in subsection (g), by striking “academic”
25 and inserting “award”.

1 (e) TECHNICAL AMENDMENT TO CCRAA.—Section
2 401(b)(9)(F) is amended by striking “remain available”
3 and all that follows and inserting “remain available for
4 the fiscal year succeeding the fiscal year for which such
5 amounts are made available.”.

6 **SEC. 402. FEDERAL TRIO PROGRAMS.**

7 (a) PROGRAM AUTHORITY; AUTHORIZATION OF AP-
8 PROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is
9 amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1)—

12 (i) by inserting “community-based or-
13 ganizations with experience in serving dis-
14 advantaged youth” after “private agencies
15 and organizations”; and

16 (ii) by striking “in exceptional cir-
17 cumstances,”;

18 (B) in paragraph (2)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “4” and inserting
21 “5”;

22 (ii) by striking subparagraph (A); and

23 (iii) by redesignating subparagraphs
24 (B) and (C) as subparagraphs (A) and
25 (B), respectively; and

1 (C) by striking paragraph (3) and insert-
2 ing the following:

3 “(3) MINIMUM GRANTS.—Unless the institution
4 or agency requests a smaller amount, an individual
5 grant authorized under this chapter shall be award-
6 ed in an amount that is not less than \$200,000, ex-
7 cept that an individual grant authorized under sec-
8 tion 402G shall be awarded in an amount that is not
9 less than \$170,000.”;

10 (2) in subsection (c)—

11 (A) in paragraph (2), by striking “service
12 delivery” and inserting “high quality service de-
13 livery, as determined under subsection (f),”;

14 (B) in paragraph (3)(B), by striking “is
15 not required to” and inserting “shall not”; and

16 (C) in paragraph (5), by striking “cam-
17 puses” and inserting “different campuses”;

18 (D) in paragraph (6), by adding at the end
19 the following new sentence: “The Secretary
20 shall require each applicant for funds under the
21 programs authorized by this chapter to identify
22 services to foster care youth as a permissible
23 service in those programs, and to ensure that
24 such youth receive supportive services, including

1 mentoring, tutoring, and other services provided
2 by those programs.”;

3 (3) in subsection (e)—

4 (A) by striking “(g)(2)” each place the
5 term occurs and inserting “(h)(4)”;

6 (B) by adding at the end the following new
7 paragraph:

8 “(3) Notwithstanding this subsection and subsection
9 (i)(4), individuals who are homeless or unaccompanied
10 youth as defined in section 725 of the McKinney-Vento
11 Homeless Assistance Act shall be eligible to participate in
12 programs under sections 402B, 402C, 402D, and 402F
13 of this chapter.”.

14 (4) by redesignating subsections (f) and (g) as
15 subsections (g) and (h), respectively;

16 (5) by inserting after subsection (e) the fol-
17 lowing:

18 “(f) OUTCOME CRITERIA.—

19 “(1) USE FOR PRIOR EXPERIENCE DETERMINA-
20 TION.—The Secretary shall use the outcome criteria
21 described in paragraphs (2) and (3) to evaluate the
22 programs provided by a recipient of a grant under
23 this chapter, and the Secretary shall determine an
24 eligible entity’s prior experience of high quality serv-

1 ice delivery, as required under subsection (c)(2),
2 based on the outcome criteria.

3 “(2) DISAGGREGATION OF RELEVANT DATA.—
4 The outcome criteria under this subsection shall be
5 disaggregated by low-income students, first genera-
6 tion college students, and individuals with disabil-
7 ities, in the schools and institutions of higher edu-
8 cation served by the program to be evaluated.

9 “(3) CONTENTS OF OUTCOME CRITERIA.—The
10 outcome criteria under this subsection shall measure,
11 annually and for longer periods, the quality and ef-
12 fectiveness of programs authorized under this chap-
13 ter and shall include the following:

14 “(A) For programs authorized under sec-
15 tion 402B, the extent to which the eligible enti-
16 ty met or exceeded the entity’s objectives estab-
17 lished in the entity’s application for such pro-
18 gram regarding—

19 “(i) the delivery of service to a total
20 number of students served by the program;

21 “(ii) the continued secondary school
22 enrollment of such students;

23 “(iii) the graduation of such students
24 from secondary school;

1 “(iv) the completion by such students
2 of a rigorous secondary school program of
3 study that will make them eligible for pro-
4 grams such as the Academic Competitive-
5 ness Grants; and

6 “(v) the enrollment of such students
7 in an institution of higher education.

8 “(B) For programs authorized under sec-
9 tion 402C, the extent to which the eligible enti-
10 ty met or exceeded the entity’s objectives for
11 such program regarding—

12 “(i) the delivery of service to a total
13 number of students served by the program,
14 as agreed upon by the entity and the Sec-
15 retary for the period;

16 “(ii) such students’ school perform-
17 ance, as measured by the grade point aver-
18 age, or its equivalent;

19 “(iii) such students’ academic per-
20 formance, as measured by standardized
21 tests, including tests required by the stu-
22 dents’ State;

23 “(iv) the retention in, and graduation
24 from, secondary school of such students;

1 “(v) the completion by such students
2 of a rigorous secondary school program of
3 study that will make them eligible for pro-
4 grams such as the Academic Competitive-
5 ness Grants; and

6 “(vi) the enrollment of such students
7 in an institution of higher education.

8 “(C) For programs authorized under sec-
9 tion 402D—

10 “(i) the extent to which the eligible
11 entity met or exceeded the entity’s objec-
12 tives regarding the retention in postsec-
13 ondary education of the students served by
14 the program;

15 “(ii)(I) in the case of an entity that is
16 an institution of higher education offering
17 a baccalaureate degree, the extent to which
18 the percentage of students served by the
19 program who completed degree programs
20 met or exceeded the entity’s objectives; or

21 “(II) in the case of an entity that is
22 an institution of higher education that does
23 not offer a baccalaureate degree, the extent
24 to which the students served by the entity
25 met or exceeded s objectives regarding—

1 “(aa) the completion of a degree
2 or certificate; and

3 “(bb) the transfer to institutions
4 of higher education that offer bacca-
5 laureate degrees;

6 “(iii) the extent to which the entity
7 met or exceeded the entity’s objectives re-
8 garding the delivery of service to a total
9 number of students, as agreed upon by the
10 entity and the Secretary for the period;
11 and

12 “(iv) the extent to which the entity
13 met or exceeded the entity’s objectives re-
14 garding such students remaining in good
15 academic standing.

16 “(D) For programs authorized under sec-
17 tion 402E, the extent to which the entity met
18 or exceeded the entity’s objectives for such pro-
19 gram regarding—

20 “(i) the delivery of service to a total
21 number of students, as agreed upon by the
22 entity and the Secretary for the period;

23 “(ii) the provision of appropriate
24 scholarly and research activities for the
25 students served by the program;

1 “(iii) the acceptance and enrollment
2 of such students in graduate programs;
3 and

4 “(iv) the continued enrollment of such
5 students in graduate study and the attain-
6 ment of doctoral degrees by former pro-
7 gram participants.

8 “(E) For programs authorized under sec-
9 tion 402F, the extent to which the entity met
10 or exceeded the entity’s objectives for such pro-
11 gram regarding—

12 “(i) the enrollment of students with-
13 out a secondary school diploma or its rec-
14 ognized equivalent, who were served by the
15 program, in programs leading to such di-
16 ploma or equivalent;

17 “(ii) the enrollment of secondary
18 school graduates who were served by the
19 program in programs of postsecondary
20 education;

21 “(iii) the delivery of service to a total
22 number of students, as agreed upon by the
23 entity and the Secretary for the period;
24 and

1 “(iv) the provision of assistance to
2 students served by the program in com-
3 pleting financial aid applications and col-
4 lege admission applications.

5 “(4) MEASUREMENT OF PROGRESS.—In order
6 to determine the extent to which an outcome cri-
7 terion described in paragraph (2) or (3) is met or
8 exceeded, the Secretary shall compare the agreed
9 upon target for the criterion, as established in the
10 eligible entity’s application approved for funding by
11 the Secretary, with the results for the criterion,
12 measured as of the last day of the applicable time
13 period for the determination for each outcome cri-
14 teria.”;

15 (6) in subsection (g) (as redesignated by para-
16 graph (4))—

17 (A) in the first sentence, by striking
18 “\$700,000,000 for fiscal year 1999” and all
19 that follows through the period and inserting
20 “\$950,000,000 for fiscal year 2009 and such
21 sums for each of the 4 succeeding fiscal years.”;
22 and

23 (B) by striking the fourth sentence; and

24 (7) in subsection (h) (as redesignated by para-
25 graph (4))—

1 (A) by redesignating paragraphs (1)
2 through (4) as paragraphs (3) through (6), re-
3 spectively;

4 (B) by inserting before paragraph (3) (as
5 redesignated by subparagraph (A)) the fol-
6 lowing:

7 “(1) DIFFERENT CAMPUS.—The term ‘different
8 campus’ means a site of an institution of higher edu-
9 cation that—

10 “(A) is geographically apart from the main
11 campus of the institution;

12 “(B) is permanent in nature; and

13 “(C) offers courses in educational pro-
14 grams leading to a degree, certificate, or other
15 recognized educational credential.

16 “(2) DIFFERENT POPULATION.—The term ‘dif-
17 ferent population’ means a group of individuals, with
18 respect to whom an eligible entity desires to serve
19 through an application for a grant under this chap-
20 ter, that—

21 “(A) is separate and distinct from any
22 other population that the entity has applied for
23 a grant under this chapter to serve; or

24 “(B) while sharing some of the same needs
25 as another population that the eligible entity

1 has applied for a grant under this chapter to
2 serve, has distinct needs for specialized serv-
3 ices.”;

4 (C) in paragraph (5) (as redesignated by
5 subparagraph (A))—

6 (i) in subparagraph (A)—

7 (I) by striking “, any part of
8 which occurred after January 31,
9 1955,”; and

10 (II) by striking “or” after the
11 semicolon;

12 (ii) in subparagraph (B)—

13 (I) by striking “after January
14 31, 1955,”; and

15 (II) by striking the period at the
16 end and inserting a semicolon; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(C) was a member of a reserve component
20 of the Armed forces called to active duty for a
21 period of more than 180 days; or

22 “(D) was a member of a reserve compo-
23 nent of the Armed Forces who served on active
24 duty in support of a contingency operation (as
25 that term is defined in section 101(a)(13) of

1 title 10, United States Code) on or after Sep-
2 tember 11, 2001.”; and

3 (D) in paragraph (6), by striking “sub-
4 paragraph (A) or (B) of paragraph (3)” and in-
5 serting “subparagraph (A), (B), or (C) of para-
6 graph (5)”.

7 (b) UPWARD BOUND.—Section 402C (20 U.S.C.
8 1070a–13) is amended—

9 (1) in subsection (b)(11), by inserting “, includ-
10 ing mathematics and science preparation,” after
11 “special services”; and

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

13 “(f) ABSOLUTE PRIORITY PROHIBITED IN UPWARD
14 BOUND PROGRAM.—Except as otherwise expressly pro-
15 vided by amendment to this section, the Secretary shall
16 not implement or enforce, and shall rescind, the absolute
17 priority for Upward Bound Program participant selection
18 and evaluation published by the Department of Education
19 in the Federal Register on September 22, 2006 (71 Fed.
20 Reg. 55447 et seq.).”.

21 (c) REPORTS, EVALUATIONS, AND GRANTS FOR
22 PROJECT IMPROVEMENT AND DISSEMINATION.—Section
23 402H (20 U.S.C. 1070a–18) is amended—

24 (1) by striking the section heading and insert-
25 ing “**REPORTS, EVALUATIONS, AND GRANTS**

1 **FOR PROJECT IMPROVEMENT AND DISSEMINA-**
2 **TION.”;**

3 (2) by redesignating subsections (a) through (c)
4 as subsections (b) through (d), respectively;

5 (3) by inserting before subsection (b) (as reded-
6 ignated by paragraph (2)) the following:

7 “(a) **REPORTS TO THE AUTHORIZING COMMIT-**
8 **TEES.**—The Secretary shall submit annually, to the au-
9 thorizing committees, a report that documents the per-
10 formance of all programs funded under this chapter. The
11 report shall—

12 “(1) be submitted not later than 24 months
13 after the eligible entities receiving funds under this
14 chapter are required to report their performance to
15 the Secretary;

16 “(2) focus on the programs’ performance on the
17 relevant outcome criteria determined under section
18 402A(f)(4);

19 “(3) aggregate individual project performance
20 data on the outcome criteria in order to provide na-
21 tional performance data for each program;

22 “(4) include, when appropriate, descriptive
23 data, multi-year data, and multi-cohort data; and

1 “(5) include comparable data on the perform-
2 ance nationally of low-income students, first-genera-
3 tion students, and students with disabilities.”; and

4 (4) in subsection (b) (as redesignated by para-
5 graph (2)), by striking paragraph (2) and inserting
6 the following:

7 “(2) PRACTICES.—

8 “(A) IN GENERAL.—The evaluations de-
9 scribed in paragraph (1) shall identify institu-
10 tional, community, and program or project
11 practices that are particularly effective in—

12 “(i) enhancing the access of low-in-
13 come individuals and first-generation col-
14 lege students to postsecondary education;

15 “(ii) the preparation of the individuals
16 and students for postsecondary education;
17 and

18 “(iii) fostering the success of the indi-
19 viduals and students in postsecondary edu-
20 cation.

21 “(B) PRIMARY PURPOSE.—Any evaluation
22 conducted under this chapter shall have as its
23 primary purpose the identification of particular
24 practices that further the achievement of the

1 outcome criteria determined under section
2 402A(f)(4).

3 “(C) DISSEMINATION AND USE OF EVAL-
4 UATION FINDINGS.—The Secretary shall dis-
5 seminate to eligible entities and make available
6 to the public the practices identified under sub-
7 paragraph (B). The practices may be used by
8 eligible entities that receive assistance under
9 this chapter after the dissemination.

10 “(3) RECRUITMENT.—The Secretary shall not
11 require an eligible entity desiring to receive assist-
12 ance under this chapter to recruit students to serve
13 as a control group for purposes of evaluating any
14 program or project assisted under this chapter.

15 “(4) CONSIDERATION.—When designing an
16 evaluation under this subsection, the Secretary shall
17 consider—

18 “(A) the burden placed upon the program
19 participants or the eligible entity; and

20 “(B) approval by the institution’s institu-
21 tional review board.”.

22 (d) ADDITIONAL AMENDMENT TO
23 POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Sec-
24 tion 402E(d)(2) (as redesignated by subsection (e)(2)) (20
25 U.S.C. 1070a–15(d)(2)) is further amended by inserting

1 “, including Native Hawaiians, as defined section
2 317(b)(3), and Pacific Islanders” after “graduate edu-
3 cation”.

4 **SEC. 403. GEARUP AMENDMENTS.**

5 (a) **ELIGIBLE STUDENTS.**—Section 404A(a) (20
6 U.S.C. 1070a-21(a)) is amended—

7 (1) in paragraph (1), by inserting “, including
8 students with disabilities,” after “low-income stu-
9 dents”; and

10 (2) in paragraph (2)(A), by inserting “, includ-
11 ing students with disabilities,” after “secondary
12 school students”.

13 (b) **AWARD PERIOD; PRIORITY.**—Section 404A(b)
14 (20 U.S.C. 1070a-21(b)) is amended by striking para-
15 graph (2) and inserting the following:

16 “(2) **AWARD PERIOD.**—The Secretary may
17 award a grant under this chapter to an eligible enti-
18 ty described in paragraphs (1) and (2) of subsection
19 (c) for 7 years.

20 “(3) **PRIORITY.**—In making awards to eligible
21 entities described in subsection (c)(1), the Secretary
22 shall—

23 “(A) give priority to eligible entities that—

24 “(i) on the day before the date of en-
25 actment of the College Opportunity and

1 Affordability Act of 2007, carried out suc-
2 cessful educational opportunity programs
3 under this chapter (as this chapter was in
4 effect on such day); and

5 “(ii) have a prior, demonstrated com-
6 mitment to early intervention leading to
7 college access through collaboration and
8 replication of successful strategies; and

9 “(B) ensure that students served under
10 this chapter on the day before the date of en-
11 actment of the College Opportunity and Afford-
12 ability Act of 2007 continue to receive assist-
13 ance through the completion of secondary
14 school.”.

15 (c) REQUIREMENTS: CONTINUITY OF SERVICES.—

16 (1) COHORT APPROACH.—Section 404B(g)(1)
17 (20 U.S.C. 1070a–22(g)(1)) is amended—

18 (A) by striking “and” at the end of sub-
19 paragraph (A);

20 (B) in subparagraph (B)—

21 (i) by inserting “and provide the op-
22 tion of continued services through the stu-
23 dent’s first year of attendance at an insti-
24 tution of higher education” after “grade
25 level”; and

1 (ii) by striking the period at the end
2 and inserting “; and”; and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(C) provide services under this chapter to
6 students who have received services under a
7 previous GEAR UP grant award but have not
8 yet completed the 12th grade.”.

9 (2) EARLY INTERVENTION.—Section 404D (20
10 U.S.C. 1070a–24) is amended—

11 (A) in subsection (a)(1)(B)—

12 (i) by striking “and” at the end of
13 clause (ii);

14 (ii) by striking the period at the end
15 of clause (iii) and inserting “; and”; and

16 (iii) by adding at the end the fol-
17 lowing new clause:

18 “(iv) the transition to college or post-
19 secondary education through continuity of
20 services to support students in and
21 through the first year of attendance at an
22 institution of higher education.”;

23 (B) in subsection (b)(2)(A)—

1 (i) by inserting “and students in the
2 first year of attendance at an institution of
3 higher education” after “grade 12”;

4 (ii) by striking “and” at the end of
5 clause (i);

6 (iii) by striking the period at the end
7 of clause (ii) and inserting “; and”; and

8 (iv) by adding at the end the following
9 new clause:

10 “(iii) may include special programs or
11 tutoring in science, technology, engineer-
12 ing, or mathematics.”; and

13 (C) in subsection (c), by inserting “, and
14 may consider students in their first year of at-
15 tendance at an institution,” after “grade 12”.

16 (d) FLEXIBILITY IN MEETING MATCHING REQUIRE-
17 MENTS.—Section 404C (20 U.S.C. 1070a–23) is amend-
18 ed—

19 (1) in subsection (b)—

20 (A) in paragraph (1)(A), by inserting “and
21 accrued over the full duration of the grant
22 award period” after “in cash or in kind”;

23 (B) in paragraph (2), by adding at the end
24 the following new sentence: “Eligible entities
25 may request a reduced match percentage at the

1 time of application or by petition subsequent to
2 a grant award, provided that an eligible entity
3 can demonstrate a change in circumstances that
4 was unknown at the time of application.”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(3) **ADDITIONAL SPECIAL RULE.**—To encour-
8 age eligible entities described in 404A(e) to provide
9 students under this chapter with financial assistance
10 for post-secondary education, each dollar of non-
11 Federal funds obligated under subsection (c)(1) and
12 (c)(2) shall, for purposes of paragraph (1)(A) of this
13 subsection, be treated as 2 dollars.”; and

14 (2) in subsection (c)—

15 (A) in paragraph (1), by striking “paid to
16 students from State, local, institutional, or pri-
17 vate funds under this chapter” and inserting
18 “obligated to students from state, local, institu-
19 tional, or private funds under this chapter, in-
20 cluding pre-existing , non-federal financial as-
21 sistance programs”;

22 (B) by striking “and” at the end of para-
23 graph (2);

24 (C) by striking the period at the end of
25 paragraph (3); and

1 (D) by adding at the end the following new
2 paragraph:

3 “(4) other resources recognized by the Sec-
4 retary, including equipment and supplies, cash con-
5 tribution from non-Federal sources, transportation
6 expenses, in-kind or discounted program services, in-
7 direct costs, and facility usage.”.

8 (e) EARLY INTERVENTION.—Section 404D (20
9 U.S.C. 1070a–24) is amended—

10 (1) in subsection (b)(2)(A)(ii), by striking “and
11 academic counseling” and inserting “, academic
12 counseling, and financial literacy and economic lit-
13 eracy education or counseling”;

14 (2) in subsection (b)(2), by adding at the end
15 the following new subparagraphs:

16 “(F) Fostering and improving parent and
17 family involvement in elementary and secondary
18 education by promoting the advantages of a col-
19 lege education, and emphasizing academic ad-
20 mission requirements and the need to take col-
21 lege preparation courses, through parent en-
22 gagement and leadership activities.

23 “(G) Engaging entities described in section
24 404A(c)(2)(C) in a collaborative manner to pro-

1 vide matching resources and participate in
2 other activities authorized under this section.

3 “(H) Disseminating information that pro-
4 motes the importance of higher education, ex-
5 plains college preparation and admission re-
6 quirements, and raises awareness of the re-
7 sources and services provided by the eligible en-
8 tities described in section 404A(c) to eligible
9 students, their families, and communities.”; and
10 (3) by adding at the end of subsection (b) the
11 following new paragraph:

12 “(3) ADDITIONAL PERMISSIBLE ACTIVITIES FOR
13 STATES.—In meeting the requirements of subsection
14 (a), an eligible entity described in section 404A(c)
15 (1) receiving funds under this chapter may, in addi-
16 tion to the activities authorized by paragraph (2),
17 use funds to provide technical assistance to—

18 “(A) middle schools or secondary schools
19 that are located within the State; or

20 “(B) partnerships described in section
21 404A(c)(2) that are located within the State.”.

22 (f) SCHOLARSHIP COMPONENT.—Section 404E (20
23 U.S.C. 1070a–25) is amended—

24 (1) in subsection (a)(1), by inserting “to sup-
25 plement aid for which they are regularly eligible”

1 after “shall establish or maintain a financial assist-
2 ance program that awards scholarships to students”;

3 (2) in subsection (a)(2), by inserting “to sup-
4 plement aid for which they are regularly eligible”
5 after “An eligible entity described in section
6 404A(c)(2) may award scholarships to students”;

7 (3) in subsection (b)(2), by striking “the max-
8 imum Federal Pell Grant” and inserting “the min-
9 imum Federal Pell Grant”.

10 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
11 404H (20 U.S.C. 1070a–31) is amended by striking
12 “\$200,000,000 for fiscal year 1999 and such sums as may
13 be necessary for each of the 4 succeeding fiscal years” and
14 inserting “\$400,000,000 for fiscal year 2009 and such
15 sums as may be necessary for each of the 4 succeeding
16 fiscal years”.

17 **SEC. 404. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLAR-**
18 **SHIPS.**

19 Chapter 3 of subpart 1 of part A of title IV (20
20 U.S.C. 1070a-31 et seq.) is repealed.

21 **SEC. 405. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPOR-**
22 **TUNITY GRANTS.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
24 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by strik-

1 ing “\$675,000,000 for fiscal year 1999” and inserting
2 “\$875,000,000 for fiscal year 2009”.

3 (b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Sec-
4 tion 413D(c)(3)(D) (20 U.S.C. 1070b-3(c)(3)(D)) is
5 amended by striking “\$450” and inserting “\$600”.

6 **SEC. 406. GRANTS FOR ACCESS AND PERSISTENCE.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
8 415A(b) (20 U.S.C. 1070c(b)) is amended by striking
9 paragraphs (1) and (2) and inserting the following:

10 “(1) IN GENERAL.—There are authorized to be
11 appropriated to carry out this subpart \$200,000,000
12 for fiscal year 2009, and such sums as may be nec-
13 essary for each of the 4 succeeding fiscal years.

14 “(2) RESERVATION.—For any fiscal year for
15 which the amount appropriated under paragraph (1)
16 exceeds \$30,000,000, the excess amount shall be
17 available to carry out section 415E.”.

18 (b) APPLICATIONS FOR LEVERAGING EDUCATIONAL
19 ASSISTANCE PARTNERSHIP PROGRAMS.—Section 415C(b)
20 (20 U.S.C. 1070c-2(b)) is amended—

21 (1) in paragraph (2), by striking “\$5,000” and
22 inserting “\$12,500”;

23 (2) in paragraph (9), by striking “and” after
24 the semicolon;

1 (3) in paragraph (10), by striking the period at
2 the end and inserting “; and”; and

3 (4) by adding at the end the following:

4 “(11) provides notification to eligible students
5 that such grants are—

6 “(A) Leveraging Educational Assistance
7 Partnership Grants; and

8 “(B) funded by the Federal Government
9 and the State.”.

10 (c) GRANTS FOR ACCESS AND PERSISTENCE.—Sec-
11 tion 415E (20 U.S.C. 1070c–3a) is amended to read as
12 follows:

13 **“SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.**

14 “(a) PURPOSE.—It is the purpose of this section to
15 expand college access and increase college persistence by
16 making allotments to States to enable the States to—

17 “(1) expand and enhance partnerships with in-
18 stitutions of higher education, early information and
19 intervention, mentoring, or outreach programs, pri-
20 vate corporations, philanthropic organizations, and
21 other interested parties to carry out activities under
22 this section and to provide coordination and cohesion
23 among Federal, State, and local governmental and
24 private efforts that provide financial assistance to
25 help low-income students attend college;

1 “(2) provide need-based access and persistence
2 grants to eligible low-income students;

3 “(3) provide early notification to low-income
4 students of their eligibility for financial aid; and

5 “(4) encourage increased participation in early
6 information and intervention, mentoring, or outreach
7 programs.

8 “(b) ALLOTMENTS TO STATES.—

9 “(1) IN GENERAL.—

10 “(A) AUTHORIZATION.—From sums re-
11 served under section 415A(b)(2) for each fiscal
12 year, the Secretary shall make an allotment to
13 each State that submits an application for an
14 allotment in accordance with subsection (c) to
15 enable the State to pay the Federal share of the
16 cost of carrying out the activities under sub-
17 section (d).

18 “(B) DETERMINATION OF ALLOTMENT.—

19 In making allotments under subparagraph (A),
20 the Secretary shall consider the following:

21 “(i) CONTINUATION OF AWARD.—If a
22 State continues to meet the specifications
23 established in its application under sub-
24 section (c), the Secretary shall make an al-
25 lotment to such State that is not less than

1 the allotment made to such State for the
2 previous fiscal year.

3 “(ii) PRIORITY.—The Secretary shall
4 give priority in making allotments to
5 States that meet the requirements under
6 paragraph (2)(B)(ii).

7 “(2) FEDERAL SHARE.—

8 “(A) IN GENERAL.—The Federal share of
9 the cost of carrying out the activities under
10 subsection (d) for any fiscal year shall not ex-
11 ceed 66.66 percent.

12 “(B) DIFFERENT PERCENTAGES.—The
13 Federal share under this section shall be deter-
14 mined in accordance with the following:

15 “(i) If a State applies for an allot-
16 ment under this section in partnership
17 with any number of degree granting insti-
18 tutions of higher education in the State
19 whose combined full-time enrollment rep-
20 resents less than a majority of all students
21 attending institutions of higher education
22 in the State, and philanthropic organiza-
23 tions that are located in, or that provide
24 funding in, the State or private corpora-
25 tions that are located in, or that do busi-

1 ness in, the State, then the Federal share
2 of the cost of carrying out the activities
3 under subsection (d) shall be equal to 57
4 percent.

5 “(ii) If a State applies for an allot-
6 ment under this section in partnership
7 with any number of degree granting insti-
8 tutions of higher education in the State
9 whose combined full-time enrollment rep-
10 resents a majority of all students attending
11 institutions of higher education in the
12 State, philanthropic organizations that are
13 located in, or that provide funding in, the
14 State, and private corporations that are lo-
15 cated in, or that do business in, the State,
16 then the Federal share of the cost of car-
17 rying out the activities under subsection
18 (d) shall be equal to 66.66 percent.

19 “(C) NON-FEDERAL SHARE.—

20 “(i) IN GENERAL.—The non-Federal
21 share under this section may be provided
22 in cash or in kind, fairly evaluated.

23 “(ii) IN KIND CONTRIBUTION.—For
24 the purpose of calculating the non-Federal
25 share under this subparagraph, an in kind

1 contribution is a non-cash contribution
2 that—

3 “(I) has monetary value, such as
4 the provision of—

5 “(aa) room and board; or

6 “(bb) transportation passes;

7 and

8 “(II) helps a student meet the
9 cost of attendance at an institution of
10 higher education.

11 “(iii) EFFECT ON NEEDS ANALYSIS.—

12 For the purpose of calculating a student’s
13 need in accordance with part F, an in kind
14 contribution described in clause (ii) shall
15 not be considered an asset or income of the
16 student or the student’s parent.

17 “(c) APPLICATION FOR ALLOTMENT.—

18 “(1) IN GENERAL.—

19 “(A) SUBMISSION.—A State that desires
20 to receive an allotment under this section shall
21 submit an application to the Secretary at such
22 time, in such manner, and containing such in-
23 formation as the Secretary may require.

1 “(B) CONTENT.—An application submitted
2 under subparagraph (A) shall include the fol-
3 lowing:

4 “(i) A description of the State’s plan
5 for using the allotted funds.

6 “(ii) Assurances that the State will
7 provide matching funds, in cash or in kind,
8 from State, institutional, philanthropic, or
9 private funds, of not less than 33.33 per-
10 cent of the cost of carrying out the activi-
11 ties under subsection (d). The State shall
12 specify the methods by which matching
13 funds will be paid and include provisions
14 designed to ensure that funds provided
15 under this section will be used to supple-
16 ment, and not supplant, Federal and non-
17 Federal funds available for carrying out
18 the activities under this title. A State that
19 uses non-Federal funds to create or expand
20 existing partnerships with nonprofit orga-
21 nizations or community-based organiza-
22 tions in which such organizations match
23 State funds for student scholarships, may
24 apply such matching funds from such or-

1 organizations toward fulfilling the State's
2 matching obligation under this clause.

3 “(iii) Assurances that early informa-
4 tion and intervention, mentoring, or out-
5 reach programs exist within the State or
6 that there is a plan to make such pro-
7 grams widely available.

8 “(iv) A description of the organiza-
9 tional structure that the State has in place
10 to administer the activities under sub-
11 section (d).

12 “(v) A description of the steps the
13 State will take to ensure students who re-
14 ceive grants under this section persist to
15 degree completion.

16 “(vi) Assurances that the State has a
17 method in place, such as acceptance of the
18 automatic zero expected family contribu-
19 tion determination described in section
20 479(e), to identify eligible low-income stu-
21 dents and award State grant aid to such
22 students.

23 “(vii) Assurances that the State will
24 provide notification to eligible low-income

1 students that grants under this section
2 are—

3 “(I) Leveraging Educational As-
4 sistance Partnership Grants; and

5 “(II) funded by the Federal Gov-
6 ernment and the State.

7 “(2) STATE AGENCY.—The State agency that
8 submits an application for a State under section
9 415C(a) shall be the same State agency that sub-
10 mits an application under paragraph (1) for such
11 State.

12 “(3) PARTNERSHIP.—In applying for an allot-
13 ment under this section, the State agency shall apply
14 for the allotment in partnership with—

15 “(A) not less than one public and one pri-
16 vate degree granting institution of higher edu-
17 cation that are located in the State;

18 “(B) new or existing early information and
19 intervention, mentoring, or outreach programs
20 located in the State; and

21 “(C) not less than one—

22 “(i) philanthropic organization located
23 in, or that provides funding in, the State;
24 or

1 “(ii) private corporation located in, or
2 that does business in, the State.

3 “(4) ROLES OF PARTNERS.—

4 “(A) STATE AGENCY.—A State agency
5 that is in a partnership receiving an allotment
6 under this section—

7 “(i) shall—

8 “(I) serve as the primary admin-
9 istrative unit for the partnership;

10 “(II) provide or coordinate
11 matching funds, and coordinate activi-
12 ties among partners;

13 “(III) encourage each institution
14 of higher education in the State to
15 participate in the partnership;

16 “(IV) make determinations and
17 early notifications of assistance as de-
18 scribed under subsection (d)(2); and

19 “(V) annually report to the Sec-
20 retary on the partnership’s progress
21 in meeting the purpose of this section;
22 and

23 “(ii) may provide early information
24 and intervention, mentoring, or outreach
25 programs.

1 “(B) DEGREE GRANTING INSTITUTIONS OF
2 HIGHER EDUCATION.—A degree granting insti-
3 tution of higher education that is in a partner-
4 ship receiving an allotment under this section—
5 “(i) shall—
6 “(I) recruit and admit partici-
7 pating qualified students and provide
8 such additional institutional grant aid
9 to participating students as agreed to
10 with the State agency;
11 “(II) provide support services to
12 students who receive an access and
13 persistence grant under this section
14 and are enrolled at such institution;
15 and
16 “(III) assist the State in the
17 identification of eligible students and
18 the dissemination of early notifica-
19 tions of assistance as agreed to with
20 the State agency; and
21 “(ii) may provide funding for early in-
22 formation and intervention, mentoring, or
23 outreach programs or provide such services
24 directly.

1 “(C) PROGRAMS.—An early information
2 and intervention, mentoring, or outreach pro-
3 gram that is in a partnership receiving an allot-
4 ment under this section shall provide direct
5 services, support, and information to partici-
6 pating students.

7 “(D) PHILANTHROPIC ORGANIZATION OR
8 PRIVATE CORPORATION.—A philanthropic orga-
9 nization or private corporation that is in a part-
10 nership receiving an allotment under this sec-
11 tion shall provide funds for access and persist-
12 ence grants for participating students, or pro-
13 vide funds or support for early information and
14 intervention, mentoring, or outreach programs.

15 “(d) AUTHORIZED ACTIVITIES.—

16 “(1) IN GENERAL.—

17 “(A) ESTABLISHMENT OF PARTNER-
18 SHIP.—Each State receiving an allotment under
19 this section shall use the funds to establish a
20 partnership to award access and persistence
21 grants to eligible low-income students in order
22 to increase the amount of financial assistance
23 such students receive under this subpart for un-
24 dergraduate education expenses.

25 “(B) AMOUNT.—

1 “(i) PARTNERSHIPS WITH INSTITU-
2 TIONS SERVING LESS THAN A MAJORITY
3 OF STUDENTS IN THE STATE.—

4 “(I) IN GENERAL.—In the case
5 where a State receiving an allotment
6 under this section is in a partnership
7 described in subsection (b)(2)(B)(i),
8 the amount of an access and persist-
9 ence grant awarded by such State
10 shall be not less than the amount that
11 is equal to the average undergraduate
12 tuition and mandatory fees at 4-year
13 public institutions of higher education
14 in the State where the student resides
15 (less any other Federal or State spon-
16 sored grant amount, college work
17 study amount, and scholarship
18 amount received by the student) and
19 such amount shall be used toward the
20 cost of attendance at an institution of
21 higher education, located in the State,
22 that is a partner in the partnership.

23 “(II) COST OF ATTENDANCE.—A
24 State that has a program, apart from
25 the partnership under this section, of

1 providing eligible low-income students
2 with grants that are equal to the aver-
3 age undergraduate tuition and man-
4 datory fees at 4-year public institu-
5 tions of higher education in the State,
6 may increase the amount of access
7 and persistence grants awarded by
8 such State up to an amount that is
9 equal to the average cost of attend-
10 ance at 4-year public institutions of
11 higher education in the State (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).

16 “(ii) PARTNERSHIP WITH INSTITU-
17 TIONS SERVING THE MAJORITY OF STU-
18 DENTS IN THE STATE.—In the case where
19 a State receiving an allotment under this
20 section is in a partnership described in
21 subsection (b)(2)(B)(ii), the amount of an
22 access and persistence grant awarded by
23 such State shall be not less than the aver-
24 age cost of attendance at 4-year public in-
25 stitutions of higher education in the State

1 where the student resides (less any other
2 Federal or State sponsored grant amount,
3 college work study amount, and scholar-
4 ship amount received by the student) and
5 such amount shall be used by the student
6 to attend an institution of higher edu-
7 cation, located in the State, that is a part-
8 ner in the partnership.

9 “(2) EARLY NOTIFICATION.—

10 “(A) IN GENERAL.—Each State receiving
11 an allotment under this section shall annually
12 notify low-income students (such as students
13 who are eligible to receive a free lunch under
14 the school lunch program established under the
15 Richard B. Russell National School Lunch Act
16 (42 U.S.C. 1751 et seq.)) in grade 7 through
17 grade 12 in the State, and their families, of
18 their potential eligibility for student financial
19 assistance, including an access and persistence
20 grant, to attend an institution of higher edu-
21 cation.

22 “(B) CONTENT OF NOTICE.—The notifica-
23 tion under subparagraph (A)—

24 “(i) shall include—

1 “(I) information about early in-
2 formation and intervention, men-
3 toring, or outreach programs available
4 to the student;

5 “(II) information that a stu-
6 dent’s candidacy for an access and
7 persistence grant is enhanced through
8 participation in an early information
9 and intervention, mentoring, or out-
10 reach program;

11 “(III) an explanation that stu-
12 dent and family eligibility and partici-
13 pation in other Federal means-tested
14 programs may indicate eligibility for
15 an access and persistence grant and
16 other student aid programs;

17 “(IV) a nonbinding estimation of
18 the total amount of financial aid a
19 low-income student with a similar in-
20 come level may expect to receive, in-
21 cluding an estimation of the amount
22 of an access and persistence grant
23 and an estimation of the amount of
24 grants, loans, and all other available

1 types of aid from the major Federal
2 and State financial aid programs;

3 “(V) an explanation that in order
4 to be eligible for an access and per-
5 sistence grant, at a minimum, a stu-
6 dent shall meet the requirement under
7 paragraph (3), graduate from sec-
8 ondary school, and enroll at an insti-
9 tution of higher education that is a
10 partner in the partnership;

11 “(VI) information on any addi-
12 tional requirements (such as a student
13 pledge detailing student responsibil-
14 ities) that the State may impose for
15 receipt of an access and persistence
16 grant under this section; and

17 “(VII) instructions on how to
18 apply for an access and persistence
19 grant and an explanation that a stu-
20 dent is required to file a Free Applica-
21 tion for Federal Student Aid author-
22 ized under section 483(a) to be eligi-
23 ble for such grant and assistance from
24 other Federal and State financial aid
25 programs; and

1 “(ii) may include a disclaimer that ac-
2 cess and persistence grant awards are con-
3 tingent upon—

4 “(I) a determination of the stu-
5 dent’s financial eligibility at the time
6 of the student’s enrollment at an in-
7 stitution of higher education that is a
8 partner in the partnership;

9 “(II) annual Federal and State
10 appropriations; and

11 “(III) other aid received by the
12 student at the time of the student’s
13 enrollment at an institution of higher
14 education that is a partner in the
15 partnership.

16 “(3) ELIGIBILITY.—In determining which stu-
17 dents are eligible to receive access and persistence
18 grants, the State shall ensure that each such student
19 meets not less than one of the following:

20 “(A) Meets not less than 2 of the following
21 criteria, with priority given to students meeting
22 all of the following criteria:

23 “(i) Has an expected family contribu-
24 tion equal to zero (as described in section
25 479) or a comparable alternative based

1 upon the State’s approved criteria in sec-
2 tion 415C(b)(4).

3 “(ii) Has qualified for a free lunch, or
4 at the State’s discretion a reduced price
5 lunch, under the school lunch program es-
6 tablished under the Richard B. Russell Na-
7 tional School Lunch Act.

8 “(iii) Qualifies for the State’s max-
9 imum undergraduate award, as authorized
10 under section 415C(b).

11 “(iv) Is participating in, or has par-
12 ticipated in, a Federal, State, institutional,
13 or community early information and inter-
14 vention, mentoring, or outreach program,
15 as recognized by the State agency admin-
16 istering activities under this section.

17 “(B) Is receiving, or has received, an ac-
18 cess and persistence grant under this section, in
19 accordance with paragraph (5).

20 “(4) GRANT AWARD.—Once a student, includ-
21 ing a student who has received early notification
22 under paragraph (2) from the State, applies for ad-
23 mission to an institution that is a partner in the
24 partnership, files a Free Application for Federal
25 Student Aid and any related State form, and is de-

1 terminated to be eligible by the State under paragraph
2 (3), the State shall—

3 “(A) issue the student a preliminary access
4 and persistence grant award certificate with
5 tentative award amounts; and

6 “(B) inform the student that payment of
7 the access and persistence grant award
8 amounts is subject to certification of enrollment
9 and award eligibility by the institution of higher
10 education.

11 “(5) DURATION OF AWARD.—An eligible stu-
12 dent that receives an access and persistence grant
13 under this section shall receive such grant award for
14 each year of such student’s undergraduate education
15 in which the student remains eligible for assistance
16 under this title, including pursuant to section
17 484(c), and remains financially eligible as deter-
18 mined by the State, except that the State may im-
19 pose reasonable time limits to baccalaureate degree
20 completion.

21 “(e) ADMINISTRATIVE COST ALLOWANCE.—A State
22 that receives an allotment under this section may reserve
23 not more than 3.5 percent of the funds made available
24 annually through the allotment for State administrative
25 functions required to carry out this section.

1 “(f) STATUTORY AND REGULATORY RELIEF FOR IN-
2 STITUTIONS OF HIGHER EDUCATION.—The Secretary
3 may grant, upon the request of an institution of higher
4 education that is in a partnership described in subsection
5 (b)(2)(B)(ii) and that receives an allotment under this sec-
6 tion, a waiver for such institution from statutory or regu-
7 latory requirements that inhibit the ability of the institu-
8 tion to successfully and efficiently participate in the activi-
9 ties of the partnership.

10 “(g) APPLICABILITY RULE.—The provisions of this
11 subpart which are not inconsistent with this section shall
12 apply to the program authorized by this section.

13 “(h) MAINTENANCE OF EFFORT REQUIREMENT.—
14 Each State receiving an allotment under this section for
15 a fiscal year shall provide the Secretary an assurance that
16 the aggregate amount expended per student or the aggre-
17 gate expenditures by the State, from funds derived from
18 non-Federal sources, for the authorized activities de-
19 scribed in subsection (d) for the preceding fiscal year were
20 not less than the amount expended per student or the ag-
21 gregate expenditure by the State for the activities for the
22 second preceding fiscal year.

23 “(i) SPECIAL RULE.—Notwithstanding subsection
24 (h), for purposes of determining a State’s share of the cost
25 of the authorized activities described in subsection (d), the

1 State shall consider only those expenditures from non-
2 Federal sources that exceed its total expenditures for
3 need-based grants, scholarships, and work-study assist-
4 ance for fiscal year 1999 (including any such assistance
5 provided under this subpart).

6 “(j) REPORTS.—Not later than 3 years after the date
7 of enactment of the College Opportunity and Affordability
8 Act of 2007, and annually thereafter, the Secretary shall
9 submit a report describing the activities and the impact
10 of the partnerships under this section to the authorizing
11 committees.”.

12 (d) CONTINUATION AND TRANSITION.—During the
13 2-year period commencing on the date of enactment of this
14 Act, the Secretary shall continue to award grants under
15 section 415E of the Higher Education Act of 1965 (20
16 U.S.C. 1070c–3a), as such section existed on the day be-
17 fore the date of enactment of this Act, to States that
18 choose to apply for grants under such predecessor section.

19 (e) IMPLEMENTATION AND EVALUATION.—Section
20 491(j) (20 U.S.C. 1098(j)) is amended—

21 (1) in paragraph (4), by striking “and” after
22 the semicolon;

23 (2) by redesignating paragraph (5) as para-
24 graph (6); and

1 (3) by inserting after paragraph (4) the fol-
2 lowing:

3 “(5) not later than 6 months after the date of
4 enactment of the College Opportunity and Afford-
5 ability Act of 2007, advise the Secretary on means
6 to implement the activities under section 415E, and
7 the Advisory Committee shall continue to monitor,
8 evaluate, and make recommendations on the
9 progress of partnerships that receive allotments
10 under such section; and”.

11 **SEC. 407. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAM-**
12 **ILIES ARE ENGAGED IN MIGRANT AND SEA-**
13 **SONAL FARMWORK.**

14 Section 418A (20 U.S.C. 1070d–2) is amended—

15 (1) in subsection (b)—

16 (A) in paragraph (1)(B)(i), by striking
17 “parents” and inserting “immediate family”;

18 (B) in paragraph (3)(B), by inserting “(in-
19 cluding preparation for college entrance exami-
20 nations)” after “college program”;

21 (C) in paragraph (5), by striking “weekly”;

22 (D) in paragraph (7), by striking “and”
23 after the semicolon;

24 (E) in paragraph (8)—

1 (i) by inserting “(such as transpor-
2 tation and child care)” after “services”;
3 and

4 (ii) by striking the period at the end
5 and inserting “; and”; and

6 (F) by adding at the end the following:

7 “(9) other activities to improve persistence and
8 retention in postsecondary education.”;

9 (2) in subsection (c)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A), by striking
12 “parents” and inserting “immediate fam-
13 ily”; and

14 (ii) in subparagraph (B)—

15 (I) in the matter preceding clause
16 (i), by inserting “to improve place-
17 ment, persistence, and retention in
18 postsecondary education,” after “serv-
19 ices”; and

20 (II) in clause (i), by striking
21 “and career” and inserting “career,
22 and economic education or personal fi-
23 nance”;

24 (iii) in subparagraph (E), by striking
25 “and” after the semicolon;

1 (iv) by redesignating subparagraph
2 (F) as subparagraph (G);

3 (v) by inserting after subparagraph
4 (E) the following:

5 “(F) internships; and”; and

6 (vi) in subparagraph (G) (as redesignated by clause (iv)), by striking “support
7 services” and inserting “essential supportive services (such as transportation
8 and child care)” ; and

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by striking
11 “and” after the semicolon;

12 (ii) in subparagraph (B), by striking
13 the period at the end and inserting “, and
14 coordinating such services, assistance, and
15 aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and”; and

16 (iii) by adding at the end the following:

17 “(C) for students attending 2-year institutions
18 of higher education, encouraging the students to
19

1 transfer to 4-year institutions of higher education,
2 where appropriate, and monitoring the rate of trans-
3 fer of such students.”;

4 (3) in subsection (e), by striking “section
5 402A(c)(1)” and inserting “section 402A(c)(2)”;

6 (4) in subsection (f)—

7 (A) in paragraph (1), by striking
8 “\$150,000” and inserting “\$180,000”; and

9 (B) in paragraph (2), by striking
10 “\$150,000” and inserting “\$180,000”;

11 (5) by redesignating subsections (g) and (h) as
12 subsections (h) and (i), respectively;

13 (6) by inserting after subsection (f) the fol-
14 lowing:

15 “(g) RESERVATION OF FUNDS.—From the amounts
16 made available under subsection (i), the Secretary may re-
17 serve not more than a total of $\frac{1}{2}$ of 1 percent for outreach
18 activities, technical assistance, and professional develop-
19 ment programs relating to the programs under subsection
20 (a).”;

21 (7) by striking subsection (h) (as redesignated
22 by paragraph (5)) and inserting the following:

23 “(h) DATA COLLECTION.—The Commissioner for
24 Education Statistics shall—

1 “(1) annually collect data on persons receiving
2 services authorized under this subpart regarding
3 such persons rates of secondary school graduation,
4 entrance into postsecondary education, and comple-
5 tion of postsecondary education;

6 “(2) not less often than once every 2 years, pre-
7 pare and submit a report based on the most recently
8 available data under paragraph (1) to the author-
9 izing committees; and

10 “(3) make such report available to the public.”;
11 and

12 (8) in subsection (i) (as redesignated by para-
13 graph (5))—

14 (A) in paragraph (1), by striking
15 “\$15,000,000 for fiscal year 1999” and all that
16 follows through the period and inserting “such
17 sums as may be necessary for fiscal year 2009
18 and each of the 4 succeeding fiscal years.”; and

19 (B) in paragraph (2), by striking
20 “\$5,000,000 for fiscal year 1999” and all that
21 follows through the period and inserting “such
22 sums for fiscal year 2009 and each of the 4
23 succeeding fiscal years.”.

1 **SEC. 408. ROBERT C. BYRD HONORS SCHOLARSHIP PRO-**
2 **GRAM.**

3 Subpart 6 of part A of title IV is amended to read
4 as follows:

5 **“Subpart 6—Robert C. Byrd American**
6 **Competitiveness Program**

7 **“SEC. 419A. ROBERT C. BYRD MATHEMATICS AND SCIENCE**
8 **HONORS SCHOLARSHIP PROGRAM.**

9 “(a) PURPOSE.—The purpose of this section is to
10 award scholarships to students who are enrolled in studies
11 leading to baccalaureate and advanced degrees in physical,
12 life, or computer sciences, mathematics, and engineering.

13 “(b) DEFINITIONS.—As used in this section—

14 “(1) the term ‘computer science’ means the
15 branch of knowledge or study of computers, includ-
16 ing such fields of knowledge or study as computer
17 hardware, computer software, computer engineering,
18 information systems, and robotics;

19 “(2) the term ‘eligible student’ means a student
20 who—

21 “(A) is a citizen of the United States;

22 “(B) is selected by the managing agent to
23 receive a scholarship;

24 “(C) is enrolled full-time in an institution
25 of higher education, other than a United States
26 service academy; and

1 “(D) has shown a commitment to and is
2 pursuing a major in studies leading to a baccalaureate, masters, or doctoral degree (or a combination thereof) in physical, life, or computer
3 sciences, mathematics, or engineering;
4 sciences, mathematics, or engineering;
5 sciences, mathematics, or engineering;

6 “(3) the term ‘engineering’ means the science
7 by which the properties of matter and the sources of
8 energy in nature are made useful to humanity in
9 structures, machines, and products, as in the construction of engines, bridges, buildings, mines, and
10 chemical plants, including such fields of knowledge
11 or study as aeronautical engineering, chemical engineering, civil engineering, electrical engineering, industrial engineering, materials engineering, manufacturing engineering, and mechanical engineering;
12 or study as aeronautical engineering, chemical engineering, civil engineering, electrical engineering, industrial engineering, materials engineering, manufacturing engineering, and mechanical engineering;
13 or study as aeronautical engineering, chemical engineering, civil engineering, electrical engineering, industrial engineering, materials engineering, manufacturing engineering, and mechanical engineering;
14 or study as aeronautical engineering, chemical engineering, civil engineering, electrical engineering, industrial engineering, materials engineering, manufacturing engineering, and mechanical engineering;
15 or study as aeronautical engineering, chemical engineering, civil engineering, electrical engineering, industrial engineering, materials engineering, manufacturing engineering, and mechanical engineering;

16 “(4) the term ‘life sciences’ means the branch
17 of knowledge or study of living things, including
18 such fields of knowledge or study as biology, biochemistry, biophysics, microbiology, genetics, physiology, botany, zoology, ecology, and behavioral biology, except that the term does not encompass social
19 psychology or the health professions;
20 psychology or the health professions;
21 psychology or the health professions;
22 psychology or the health professions;

23 “(5) the term ‘managing agent’ means an entity to which an award is made under subsection (c)
24 entity to which an award is made under subsection (c)

1 to manage a program of Mathematics and Science
2 Honors Scholarships;

3 “(6) the term ‘mathematics’ means the branch
4 of knowledge or study of numbers and the system-
5 atic treatment of magnitude, relationships between
6 figures and forms, and relations between quantities
7 expressed symbolically, including such fields of
8 knowledge or study as statistics, applied mathe-
9 matics, and operations research; and

10 “(7) the term ‘physical sciences’ means the
11 branch of knowledge or study of the material uni-
12 verse, including such fields of knowledge or study as
13 astronomy, atmospheric sciences, chemistry, earth
14 sciences, ocean sciences, physics, and planetary
15 sciences.

16 “(c) AWARD.—

17 “(1)(A) From funds authorized under section
18 419F to carry out this section, the Secretary is au-
19 thorized, through a grant or cooperative agreement,
20 to make an award to a private, non-profit organiza-
21 tion, other than an institution of higher education or
22 system of institutions of higher education, to man-
23 age, through a public and private partnership, a pro-
24 gram of Mathematics and Science Honors Scholar-
25 ships under this section.

1 “(B) The award under subparagraph (A) shall
2 be for a five-year period.

3 “(2)(A) One hundred percent of the funds
4 awarded under paragraph (1)(A) for any fiscal year
5 shall be obligated and expended solely on scholar-
6 ships to eligible students.

7 “(B) No Federal funds shall be used to provide
8 more than 50 percent of the cost of any scholarship
9 to an eligible student.

10 “(C) The maximum scholarship award shall be
11 the difference between an eligible student’s cost of
12 attendance minus any non-loan based aid such stu-
13 dent receives.

14 “(3)(A) The secretary may establish—

15 “(i) eligibility criteria for applicants for
16 managing agent, including criteria regarding fi-
17 nancial and administrative capability; and

18 “(ii) operational standards for the man-
19 aging agent, including management and per-
20 formance requirements, such as audit, record-
21 keeping, record retention, and reporting proce-
22 dures and requirements.

23 “(B) The Secretary, as necessary, may review
24 and revise any criteria, standards, and rules estab-
25 lished under this paragraph and, through the agree-

1 ment with the managing agent, see that any revi-
2 sions are implemented.

3 “(4) If the managing agent fails to meet the re-
4 quirements of this section the Secretary may termi-
5 nate the award to the managing agent.

6 “(5) The Secretary shall conduct outreach ef-
7 forts to help raise awareness of the Mathematics and
8 Science Honors Scholarships.

9 “(d) DUTIES OF THE MANAGING AGENT.—The man-
10 aging agent shall—

11 “(1) develop criteria to award Mathematics and
12 Science Honors Scholarships based on established
13 measurements available to secondary students who
14 wish to pursue degrees in physical, life, or computer
15 sciences, mathematics, and engineering;

16 “(2) establish a Mathematics and Science Hon-
17 ors Scholarship Fund in a separate, named account
18 that clearly discloses the amount of Federal and
19 non-Federal funds deposited in the account and used
20 for scholarships under this section;

21 “(3) solicit funds for scholarships and for the
22 administration of the program from non-Federal
23 sources;

24 “(4) solicit applicants for scholarships;

1 “(5) from the amounts in the Fund, award
2 scholarships to eligible students and transfer such
3 funds to the institutions of higher education that
4 they attend;

5 “(6) annually submit to the Secretary a finan-
6 cial audit and a report on the progress of the pro-
7 gram, and such other documents as the Secretary
8 may require to determine the effective management
9 of the program; and

10 “(7) shall not develop a criteria that discrimi-
11 nates against a student based on the type of pro-
12 gram in which the student completed his or her sec-
13 ondary education.

14 “(e) APPLICATIONS.—

15 “(1) Any eligible entity that desires to be the
16 managing agent under this section shall submit an
17 application to the Secretary, in such form and con-
18 taining such information, as the Secretary may re-
19 quire.

20 “(2) Each application shall include a descrip-
21 tion of—

22 “(A) how the applicant meets or will meet
23 requirements established under subsections
24 (c)(3)(A) and (d);

1 “(B) how the applicant will solicit funds
2 for scholarships and for the administration of
3 the program from non-Federal sources;

4 “(C) how the applicant will provide nation-
5 wide outreach to inform students about the pro-
6 gram and to encourage students to pursue de-
7 grees in physical, life, or computer sciences,
8 mathematics, and engineering;

9 “(D) how the applicant will solicit applica-
10 tions for scholarships, including how the appli-
11 cant will balance efforts in urban and rural
12 areas;

13 “(E) the selection criteria based on estab-
14 lished measurements available to secondary stu-
15 dents the applicant will use to award scholar-
16 ships and to renew those awards;

17 “(F) how the applicant will inform the in-
18 stitution of higher education chosen by the re-
19 cipient of the name and scholarship amount of
20 the recipient;

21 “(G) what procedures and assurances the
22 applicant and the institution of higher edu-
23 cation that the recipient attends will use to
24 verify student eligibility, attendance, degree
25 progress, and academic performance and to de-

1 liver and account for payments to such institu-
2 tion;

3 “(H) the management (including audit and
4 accounting) procedures the applicant will use
5 for the program;

6 “(I) the human, financial, and other re-
7 sources that the applicant will need and use to
8 manage the program;

9 “(J) how the applicant will evaluate the
10 program and report to the Secretary annually;
11 and

12 “(K) a description of how the entity will
13 coordinate with, complement, and build on simi-
14 lar public and private mathematics and science
15 programs.

16 “(f) SCHOLARSHIP RECIPIENTS.—

17 “(1) A student receiving a scholarship under
18 this section shall be known as a ‘Byrd Mathematics
19 and Science Honors Scholar’.

20 “(2) Any student desiring to receive a scholar-
21 ship under this section shall submit an application
22 to the managing agent in such form, and containing
23 such information, as the managing agent may re-
24 quire.

1 “(3) Any student that receives a scholarship
2 under this section shall enter into an agreement with
3 the managing agent to complete 5 consecutive years
4 of service to begin no later than 12 months following
5 completion of the final degree in a position related
6 to the field in which the student obtained the degree.

7 “(4) If any student that receives a scholarship
8 under this section fails to earn at least a bacca-
9 laurate degree in physical, life, or computer
10 sciences, mathematics, or engineering as defined
11 under this section, the student shall repay to the
12 managing agent the amount of any financial assist-
13 ance paid to such student.

14 “(5) If any student that receives a scholarship
15 under this section fails to meet the requirements of
16 paragraph (3), the student shall repay to the man-
17 aging agent the amount of any financial assistance
18 paid to such student.

19 “(6)(A) Scholarships shall be awarded for only
20 one academic year of study at a time.

21 “(B)(i) A scholarship shall be renewable on an
22 annual basis for the established length of the aca-
23 demic program if the student awarded the scholar-
24 ship remains eligible.

1 “(ii) The managing agent may condition re-
2 newal of a scholarship on measures of academic
3 progress and achievement, with the approval of the
4 Secretary.

5 “(C)(i) If a student fails to either remain eligi-
6 ble or meet established measures of academic
7 progress and achievement, the managing agent shall
8 instruct the student’s institution of higher education
9 to suspend payment of the student’s scholarship.

10 “(ii) A suspension of payment shall remain in
11 effect until the student is able to demonstrate to the
12 satisfaction of the managing agent that he or she is
13 again eligible and meets the established measures of
14 academic progress and achievement.

15 “(iii) A student’s eligibility for a scholarship
16 shall be terminated if a suspension period exceeds
17 12 months.

18 “(D)(i)(I) A student awarded a scholarship
19 may, in a manner and under the terms established
20 by, and with the approval of, the managing agent,
21 postpone or interrupt his or her enrollment at an in-
22 stitution of higher education for up to 12 months.

23 “(II) Such a postponement or interruption shall
24 not be considered a suspension for purposes of sub-
25 paragraph (C).

1 “(ii) Neither a student nor the student’s insti-
2 tution of higher education shall receive the student’s
3 scholarship payments during the period of postpone-
4 ment or interruption, but such payments shall re-
5 sume upon enrollment or reenrollment.

6 “(iii) In exceptional circumstances, such as seri-
7 ous injury or illness or the necessity to care for fam-
8 ily members, the student’s postponement or inter-
9 ruption may, upon notification and approval of the
10 managing agent, be extended beyond the 12 month
11 period described in clause (i)(I).

12 “(g) RESPONSIBILITIES OF INSTITUTION OF HIGHER
13 EDUCATION.—

14 “(1) The managing agent shall require any in-
15 stitution of higher education that enrolls a student
16 who receives a scholarship under this section to an-
17 nually provide an assurance, prior to making any
18 payment, that the student—

19 “(A) is eligible in accordance with sub-
20 section (b)(2); and

21 “(B) has provided the institution with a
22 written commitment to attend, or is attending,
23 classes and is satisfactorily meeting the institu-
24 tion’s academic criteria for enrollment in its
25 program of study.

1 “(2)(A) The managing agent shall provide the
2 institution of higher education with payments from
3 the Fund for selected recipients in at least two in-
4 stallments.

5 “(B) An institution of higher education shall re-
6 turn prorated amounts of any scholarship payment
7 to the managing agent, who shall deposit it in to the
8 Fund, if a recipient declines a scholarship, does not
9 attend courses, transfers to another institution of
10 higher education, or becomes ineligible for a scholar-
11 ship.

12 **“SEC. 419B. MATHEMATICS AND SCIENCE INCENTIVE PRO-**
13 **GRAM.**

14 “(a) PROGRAM.—

15 “(1) IN GENERAL.—The Secretary is authorized
16 to carry out a program of assuming the obligation
17 to pay, pursuant to the provisions of this section, the
18 interest on a loan made, insured, or guaranteed
19 under part B or D of this title.

20 “(2) ELIGIBILITY.—The Secretary may assume
21 interest payments under paragraph (1) only for a
22 borrower who—

23 “(A) has submitted an application in com-
24 pliance with subsection (d);

1 “(B) obtained one or more loans described
2 in paragraph (1) as an undergraduate student;

3 “(C) is a new borrower (within the mean-
4 ing of section 103(7) of this Act) on or after
5 the date of enactment of the College Oppor-
6 tunity and Affordability Act of 2007;

7 “(D) is a highly qualified teacher (as de-
8 fined in section 9101 of the Elementary and
9 Secondary Education Act of 1965) of science,
10 technology, engineering or mathematics at an
11 elementary or secondary school in a high need
12 local educational agency, or is a mathematics,
13 science, or engineering professional; and

14 “(E) enters into an agreement with the
15 Secretary to complete 5 consecutive years of
16 service in a position described in subparagraph
17 (D), starting on the date of the agreement.

18 “(3) PRIOR INTEREST LIMITATIONS.—The Sec-
19 retary shall not make any payments for interest
20 that—

21 “(A) accrues prior to the beginning of the
22 repayment period on a loan in the case of a
23 loan made under section 428H or a Federal Di-
24 rect Unsubsidized Stafford Loan; or

1 “(B) has accrued prior to the signing of an
2 agreement under paragraph (2)(E).

3 “(4) INITIAL SELECTION.—In selecting partici-
4 pants for the program under this section, the Sec-
5 retary—

6 “(A) shall choose among eligible applicants
7 on the basis of—

8 “(i) the national security, homeland
9 security, and economic security needs of
10 the United States, as determined by the
11 Secretary, in consultation with other Fed-
12 eral agencies, including the Departments
13 of Labor, Defense, Homeland Security,
14 Commerce, and Energy, the Central Intel-
15 ligence Agency, and the National Science
16 Foundation; and

17 “(ii) the academic record or job per-
18 formance of the applicant; and

19 “(B) may choose among eligible applicants
20 on the basis of—

21 “(i) the likelihood of the applicant to
22 complete the 5-year service obligation;

23 “(ii) the likelihood of the applicant to
24 remain in science, mathematics, or engi-

1 neering after the completion of the service
2 requirement; or

3 “(iii) other relevant criteria deter-
4 mined by the Secretary.

5 “(5) AVAILABILITY SUBJECT TO APPROPRIA-
6 TIONS.—Loan interest payments under this section
7 shall be subject to the availability of appropriations.
8 If the amount appropriated for any fiscal year is not
9 sufficient to provide interest payments on behalf of
10 all qualified applicants, the Secretary shall give pri-
11 ority to those individuals on whose behalf interest
12 payments were made during the preceding fiscal
13 year.

14 “(6) REGULATIONS.—The Secretary is author-
15 ized to prescribe such regulations as may be nec-
16 essary to carry out the provisions of this section.

17 “(b) DURATION AND AMOUNT OF INTEREST PAY-
18 MENTS.—The period during which the Secretary shall pay
19 interest on behalf of a student borrower who is selected
20 under subsection (a) is the period that begins on the effec-
21 tive date of the agreement under subsection (a)(2)(E),
22 continues after successful completion of the service obliga-
23 tion, and ends on the earlier of—

24 “(1) the completion of the repayment period of
25 the loan;

1 “(2) payment by the Secretary of a total of
2 \$5,000 on behalf of the borrower;

3 “(3) if the borrower ceases to fulfill the service
4 obligation under such agreement prior to the end of
5 the 5-year period, as soon as the borrower is deter-
6 mined to have ceased to fulfill such obligation in ac-
7 cordance with regulations of the Secretary; or

8 “(4) 6 months after the end of any calendar
9 year in which the borrower’s gross income equals or
10 exceeds 4 times the national per capita disposable
11 personal income (current dollars) for such calendar
12 year, as determined on the basis of the National In-
13 come and Product Accounts Tables of the Bureau of
14 Economic Analysis of the Department of Commerce,
15 as determined in accordance with regulations pre-
16 scribed by the Secretary.

17 “(c) REPAYMENT TO ELIGIBLE LENDERS.—Subject
18 to the regulations prescribed by the Secretary by regula-
19 tion under subsection (a)(6), the Secretary shall pay to
20 each eligible lender or holder for each payment period the
21 amount of the interest that accrues on a loan of a student
22 borrower who is selected under subsection (a).

23 “(d) APPLICATION FOR REPAYMENT.—

24 “(1) IN GENERAL.—Each eligible individual de-
25 siring loan interest payment under this section shall

1 submit a complete and accurate application to the
2 Secretary at such time, in such manner, and con-
3 taining such information as the Secretary may re-
4 quire.

5 “(2) FAILURE TO COMPLETE SERVICE AGREE-
6 MENT.—Such application shall contain an agreement
7 by the individual that, if the individual fails to com-
8 plete the 5 consecutive years of service required by
9 subsection (a)(2)(E), the individual agrees to repay
10 the Secretary the amount of any interest paid by the
11 Secretary on behalf of the individual.

12 “(e) TREATMENT OF CONSOLIDATION LOANS.—A
13 consolidation loan made under section 428C of this Act,
14 or a Federal Direct Consolidation Loan made under part
15 D of title IV of this Act, may be a qualified loan for the
16 purpose of this section only to the extent that such loan
17 amount was used by a borrower who otherwise meets the
18 requirements of this section to repay—

19 “(1) a loan made under section 428 or 428H
20 of this Act; or

21 “(2) a Federal Direct Stafford Loan, or a Fed-
22 eral Direct Unsubsidized Stafford Loan, made under
23 part D of title IV of this Act.

1 “(f) PREVENTION OF DOUBLE BENEFITS.—No bor-
2 rower may, for the same service, receive a benefit under
3 both this section and—

4 “(1) any loan forgiveness program under title
5 IV of this Act; or

6 “(2) subtitle D of title I of the National and
7 Community Service Act of 1990 (42 U.S.C. 12601
8 et seq.).

9 “(g) DEFINITIONS.—As used in this section—

10 “(1) the term ‘high need local educational agen-
11 cy’ has the same meaning given such term in section
12 201(b)(4); and

13 “(2) the term ‘mathematics, science, or engi-
14 neering professional’ means a person who—

15 “(A) holds a baccalaureate, masters, or
16 doctoral degree (or a combination thereof) in
17 science, mathematics, or engineering; and

18 “(B) works in a field the Secretary deter-
19 mines is closely related to that degree, which
20 shall include working as a professor at a two-
21 or four-year institution of higher education.

22 **“SEC. 419C. FOREIGN LANGUAGE PARTNERSHIPS.**

23 “(a) PURPOSE.—The purpose of this section is to in-
24 crease the number of highly qualified teachers in, and the
25 number of United States’ students who achieve the highest

1 level of proficiency in, foreign languages critical to the se-
2 curity and competitiveness of the Nation.

3 “(b) PROGRAM AUTHORIZED.—The Secretary is au-
4 thorized to award grants to institutions of higher edu-
5 cation, in partnership with one or more local educational
6 agencies, to establish teacher preparation programs in
7 critical foreign languages, and activities that will enable
8 successful students to advance from elementary school
9 through college to achieve proficiency in those languages.

10 “(c) APPLICATIONS.—

11 “(1) APPLICATION REQUIRED.—Any institution
12 of higher education that desires to receive a grant
13 under this section shall submit an application to the
14 Secretary at such time, in such manner, and con-
15 taining such information as the Secretary may re-
16 quire.

17 “(2) CONTENTS.—Each Application shall—

18 “(A) identify each local educational agency
19 partner and describe each such partner’s re-
20 sponsibilities (including how they will be in-
21 volved in planning and implementing the pro-
22 gram, what resources they will provide, and how
23 they will ensure continuity of student progress
24 from elementary school to the postsecondary
25 level); and

1 “(B) describe how the applicant will sup-
2 port and continue the program after the grant
3 has expired, including how it will seek support
4 from other sources, such as State and local gov-
5 ernment, foundations, and the private sector.

6 “(d) USES OF FUNDS.—Funds awarded under this
7 section shall be used to develop and implement programs
8 consistent with the purpose of this section by carrying out
9 one or more of the following activities:

10 “(1) To recruit highly qualified teachers in crit-
11 ical foreign languages and professional development
12 activities for such teachers at the elementary
13 through high school level.

14 “(2) To provide innovative opportunities for
15 students that will allow for critical language learn-
16 ing, such as immersion environments, intensive
17 study opportunities, internships, and distance learn-
18 ing.

19 “(e) MATCHING REQUIREMENT.—Each grantee
20 under this section shall provide, from non-Federal sources,
21 an amount equal to 100 percent of the amount of the
22 grant (in cash or in kind) to carry out the activities sup-
23 ported by the grant.

24 “(f) EVALUATION.—The Secretary shall evaluate the
25 activities funded under this section and report the results

1 of the evaluation to the appropriate Committees of Con-
2 gress.

3 **“SEC. 419D. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out
5 this subpart \$50,000,000 for fiscal year 2009 and such
6 sums as may be necessary for each of the 4 succeeding
7 fiscal years.”.

8 **SEC. 409. CHILD CARE ACCESS MEANS PARENTS IN**
9 **SCHOOL.**

10 (a) **MINIMUM GRANT.**—Section 419N(b)(2)(B) (20
11 U.S.C. 1070e(b)(2)(B)) is amended by striking “\$10,000”
12 and inserting “\$30,000”.

13 (b) **ELIGIBLE INSTITUTIONS.**—Section 419N(b)(4) is
14 amended by striking “\$350,000” and inserting
15 “\$250,000”.

16 (c) **INCOME ELIGIBILITY.**—Section 419N(b)(7) is
17 amended by striking “who is eligible to receive” and in-
18 serting “whose income qualifies for eligibility for”.

19 (d) **PUBLICITY.**—Section 419N(b) is further amend-
20 ed 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
5 necessary for fiscal year 2009 and each of the 4 suc-
6 ceeding 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
11 educational agency, and State, where the recipients
12 completed the service agreed to under section
13 420N(b) and the subject taught;

14 “(5) the duration of such service, including in-
15 formation related to whether recipients serve for
16 more than the 4 years required under such section;
17 and

18 “(6) any other data necessary to conduct such
19 evaluation.”.

20 **PART B—FEDERAL FAMILY EDUCATION LOANS**

21 **SEC. 421. LIMITATIONS ON AMOUNTS OF LOANS COVERED**

22 **BY FEDERAL INSURANCE.**

23 Section 424(a) (20 U.S.C. 1074(a)) is amended—

24 (1) by striking “2012” and inserting “2013”;

25 and

26 (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, a lender, secondary mar-
13 ket, holder, or guaranty agency shall provide,
14 free of charge and in a timely and effective
15 manner, any student loan information per-
16 taining to loans under this title maintained by
17 that entity that is requested by either or both
18 of the following:

19 “(i) An institution of higher education
20 for a borrower who had previously at-
21 tended such institution of higher edu-
22 cation.

23 “(ii) Any third-party servicer (as de-
24 fined in section 481(c)) working on behalf
25 of that institution to prevent student loan

1 defaults, for a borrower who had previously
2 attended such institution.

3 “(B) An institution and any third-party
4 servicer obtaining access to information under
5 subparagraph (A) shall safeguard that informa-
6 tion in order to prevent potential abuses of that
7 information, including identity theft.

8 “(C) Any third party servicer that obtains
9 information under this paragraph—

10 “(i) shall only use the information in
11 a manner directly related to the default
12 prevention work the servicer is performing
13 on behalf of the institution of higher edu-
14 cation;

15 “(ii) shall not sell the information to
16 other entities; and

17 “(iii) shall be subject to any regula-
18 tions established by the Secretary pursuant
19 to section 432 concerning the misuse of
20 such information, including any penalties
21 for such misuse.”.

22 **SEC. 424. CONSOLIDATION LOAN DISCLOSURE.**

23 Section 428C(b)(1) (20 U.S.C. 1078-3(b)(1)) is
24 amended—

1 (1) by redesignating subparagraphs (E) and
2 (F) as subparagraphs (F) and (G), respectively; and

3 (2) by inserting after subparagraph (D) the fol-
4 lowing new subparagraph:

5 “(E) that the lender will disclose, in a
6 clear and conspicuous manner, to borrowers
7 who seek to consolidate loans made under part
8 E of this title—

9 “(i) that once the borrower adds a
10 Federal Perkins Loan to a Federal Con-
11 solidation Loan, the borrower will lose all
12 interest-free periods that would have been
13 available, such as those when no interest
14 accrues on the Federal Perkins Loan while
15 the borrower is enrolled in school at least
16 half-time, during the grace period, and
17 during periods when the borrower’s stu-
18 dent loan repayments are deferred;

19 “(ii) that the borrower will no longer
20 be eligible for loan cancellation of Federal
21 Perkins Loans under any provision of sec-
22 tion 465; and

23 “(iii) in detail the occupations listed
24 in section 465 for which the borrower will

1 lose eligibility for Federal Perkins Loan
2 cancellation;”.

3 **SEC. 425. LOAN FORGIVENESS FOR SERVICE IN AREAS OF**
4 **NATIONAL NEED.**

5 Section 428K (20 U.S.C. 1078–11) is amended to
6 read as follows:

7 **“SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF**
8 **NATIONAL NEED.**

9 “(a) PROGRAM AUTHORIZED.—

10 “(1) LOAN FORGIVENESS AUTHORIZED.—The
11 Secretary shall forgive, in accordance with this sec-
12 tion, the student loan obligation of a borrower in the
13 amount specified in subsection (c) who—

14 “(A) is employed full-time in an area of
15 national need described in subsection (b); and

16 “(B) is not in default on a loan for which
17 the borrower seeks forgiveness.

18 “(2) METHOD OF LOAN FORGIVENESS.—To
19 provide loan forgiveness under paragraph (1), the
20 Secretary is authorized to carry out a program—

21 “(A) through the holder of the loan, to as-
22 sume the obligation to repay a qualified loan
23 amount for a loan made, insured, or guaranteed
24 under this part (other than an excepted PLUS

1 loan (as such term is defined in section
2 493C(a)); and

3 “(B) to cancel a qualified loan amount for
4 a loan made under part D of this title (other
5 than such an excepted PLUS loan).

6 “(3) REGULATIONS.—The Secretary is author-
7 ized to issue such regulations as may be necessary
8 to carry out the provisions of this section.

9 “(b) AREAS OF NATIONAL NEED.—For purposes of
10 this section, an individual shall be treated as employed in
11 an area of national need if the individual is employed full-
12 time as any of the following:

13 “(1) EARLY CHILDHOOD EDUCATORS.—An in-
14 dividual who is employed as an early childhood edu-
15 cator in an eligible preschool program or eligible
16 early childhood education program in a low-income
17 community, and who is involved directly in the care,
18 development, and education of infants, toddlers, or
19 young children age 5 and under.

20 “(2) NURSES.—An individual who is em-
21 ployed—

22 “(A) as a nurse in a clinical setting; or

23 “(B) as a member of the nursing faculty at
24 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
4 individual 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 re-
11 quires the use of such critical foreign language;
12 or

13 “(C) in an institution of higher education
14 as a faculty member or instructor teaching a
15 critical foreign language.

16 “(4) LIBRARIANS.—An individual who is em-
17 ployed as a librarian in—

18 “(A) a public library that serves a geo-
19 graphic area within which the public schools
20 have a combined average of 30 percent or more
21 of their total student enrollments composed of
22 children counted under section 1113(a)(5) of
23 the Elementary and Secondary Education Act
24 of 1965; or

25 “(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 fined in section 9101 of the Elementary and
7 Secondary Education Act of 1965; and

8 “(B)(i) is employed as a full-time teacher
9 educating students who are limited English pro-
10 ficient;

11 “(ii) is employed as a teacher in a high-
12 need school; or

13 “(iii) is an individual from an underrep-
14 resented population in the teaching profession,
15 as determined by the Secretary.

16 “(6) CHILD WELFARE WORKERS.—An indi-
17 vidual who—

18 “(A) has obtained a degree in social work
19 or a related field with a focus on serving chil-
20 dren and families; and

21 “(B) is employed in public or private child
22 welfare services.

23 “(7) SPEECH-LANGUAGE PATHOLOGISTS.—An
24 individual who is a speech-language pathologist, who
25 is employed in an eligible preschool program or an

1 elementary or secondary school, and who has, at a
2 minimum, a graduate degree in speech-language pa-
3 thology, or communication sciences and disorders.

4 “(8) NATIONAL SERVICE.—An individual who is
5 engaged as a participant in a project under the Na-
6 tional and Community Service Act of 1990 (as such
7 terms are defined in section 101 of such Act (42
8 U.S.C. 12511)).

9 “(9) SCHOOL COUNSELORS.—An individual who
10 is employed as a school counselor (as such term is
11 defined in section 5421(e)(3) of Elementary and
12 Secondary Education Act of 1965 (20 U.S.C.
13 7245(e)(3)) in a high-need school.

14 “(10) PUBLIC SECTOR EMPLOYEES.—An indi-
15 vidual who is employed in public safety (including as
16 a first responder, firefighter, police officer, or other
17 law enforcement or public safety officer), emergency
18 management (including as an emergency medical
19 technician), public health (including full-time profes-
20 sionals engaged in health care practioner occupa-
21 tions and health care support occupations, as such
22 terms are defined by the Bureau of Labor Statis-
23 tics), or public interest legal services (including pros-
24 ecution or public defense or legal advocacy in low-
25 income communities at a nonprofit organization).

1 “(11) NUTRITION PROFESSIONALS.—An indi-
2 vidual who—

3 “(A) is a licensed, certified or registered
4 dietician who has completed a degree in a rel-
5 evant field; and

6 “(B) has obtained employment in an agen-
7 cy of the special supplemental nutrition pro-
8 gram for women, infants, and children under
9 section 17 of the Child Nutrition Act of 1966
10 (42 U.S.C. 1786).

11 “(12) MEDICAL SPECIALISTS.—An individual
12 who—

13 “(A) has received his or her degree from
14 an accredited medical school (as accredited by
15 the Liaison Committee on Medical Education or
16 as 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 into, or currently
24 participates in, a graduate medical education

1 program or fellowship (or both) to provide
2 health care services that—

3 “(I) requires more than 5 years of
4 total 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.—In-
11 dividuals who have at least a master’s degree in so-
12 cial work, psychology, or psychiatry and who are
13 providing mental health services to children, adoles-
14 cents, 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 Oppor-
18 tunity and Affordability Act of 2007 in an area of national
19 need described in subsection (b), not to exceed 5 years,
20 the Secretary shall forgive not more than \$2,000 of the
21 student loan obligation of a borrower that is outstanding
22 after the completion of each such school, academic, or cal-
23 endar year of employment, as appropriate, not to exceed
24 \$10,000 in the 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
5 be construed to authorize the refunding of any repayment
6 of a loan.

7 “(f) SEGAL AMERICORPS EDUCATION AWARD AND
8 NATIONAL SERVICE AWARD RECIPIENTS.—A student bor-
9 rower who qualifies for the maximum education award
10 under subtitle D of title I of the National and Community
11 Service Act of 1990 (42 U.S.C. 12601 et seq.) shall re-
12 ceive under this section the amount, if any, by which the
13 maximum benefit available under this section exceeds the
14 maximum education award available under such subtitle.

15 “(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No
16 borrower 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
20 term ‘early childhood educator’ means an early
21 childhood educator who works directly with children
22 in an eligible preschool program or eligible early
23 childhood education program who has completed a
24 baccalaureate or advanced degree in early childhood

1 development, early childhood education, or in a field
2 related to early childhood education.

3 “(2) ELIGIBLE PRESCHOOL PROGRAM.—The
4 term ‘eligible preschool program’ means a program
5 that provides for the care, development, and edu-
6 cation of infants, toddlers, or young children age 5
7 and under, meets any applicable State or local gov-
8 ernment licensing, certification, approval, and reg-
9 istration requirements, and is operated by—

10 “(A) a public or private school that is sup-
11 ported, sponsored, supervised, or administered
12 by a local educational agency;

13 “(B) a Head Start agency serving as a
14 grantee designated under the Head Start Act
15 (42 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 prekind-
25 garten program, school program, or other out-

1 of-home early childhood development care pro-
2 gram, 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.—In this sub-
15 section, the term ‘low-income community’ means a
16 school attendance area (as defined in section
17 1113(a)(2)(A) of the Elementary and Secondary
18 Education Act of 1965)—

19 “(A) in which 70 percent of households
20 earn less than 85 percent of the State median
21 household income; or

22 “(B) that includes a high-need school.

23 “(5) NURSE.—The term ‘nurse’ means a nurse
24 who meets all of the following:

25 “(A) The nurse graduated from—

1 “(i) an accredited school of nursing
2 (as those terms are defined in section 801
3 of the Public Health Service Act (42
4 U.S.C. 296));

5 “(ii) a nursing center; or

6 “(iii) an academic health center that
7 provides nurse training.

8 “(B) The nurse holds a valid and unre-
9 stricted license to practice nursing in the State
10 in which the nurse practices in a clinical set-
11 ting.

12 “(C) The nurse holds one or more of the
13 following:

14 “(i) A graduate degree in nursing, or
15 an equivalent degree.

16 “(ii) A nursing degree from a colle-
17 giate school of nursing (as defined in sec-
18 tion 801 of the Public Health Service Act
19 (42 U.S.C. 296)).

20 “(iii) A nursing degree from an asso-
21 ciate degree school of nursing (as defined
22 in section 801 of the Public Health Service
23 Act (42 U.S.C. 296)).

24 “(iv) A nursing degree from a diploma
25 school of nursing (as defined in section

1 801 of the Public Health Service Act (42
2 U.S.C. 296)).

3 “(6) SPEECH-LANGUAGE PATHOLOGIST.—The
4 term ‘speech-language pathologist’ means a speech-
5 language pathologist who—

6 “(A) has received, at a minimum, a grad-
7 uate degree in speech-language pathology or
8 communication sciences and disorders from an
9 institution of higher education accredited by an
10 agency or association recognized by the Sec-
11 retary pursuant to section 496(a) of this Act;
12 and

13 “(B) provides speech-language pathology
14 services under section 1861(ll)(1) of the Social
15 Security Act (42 U.S.C. 1395x(ll)(1), or meets
16 or exceeds the qualifications for a qualified
17 speech-language pathologist under subsection
18 (ll)(3) of such section (42 U.S.C. 1395x(ll)(3)).

19 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 such sums as may be necessary for fiscal year 2009 and
22 each of the 4 succeeding fiscal years to provide loan for-
23 giveness in accordance with this section.”.

1 **SEC. 426. DEFINITION OF ELIGIBLE LENDER.**

2 Section 435(d)(1)(A)(ii) (20 U.S.C.

3 1085(d)(1)(A)(ii)) is amended—

4 (1) by striking “part, or (III)” and inserting

5 “part, (III)”; and

6 (2) by inserting before the semicolon at the end

7 the following: “, or (IV) it is a National or State

8 chartered bank with assets of less than

9 \$1,000,000,000”.

10 **SEC. 427. DISABILITY DETERMINATIONS.**

11 Section 437(a) (20 U.S.C. 1087(a)) is amended by

12 adding at the end the following new sentence: “A borrower

13 who receives a permanent total disability rating from the

14 Secretary of Veterans Affairs, and who provides docu-

15 mentation of such rating to the Secretary of Education,

16 shall be considered permanently and totally disabled for

17 the purpose of discharging such borrower’s loans under

18 this subsection, and such borrower shall not be required

19 to present additional documentation for purposes of this

20 subsection.”.

21 **PART C—COLLEGE WORK/STUDY**

22 **SEC. 441. REAUTHORIZATION.**

23 (a) **EXTENSION OF AUTHORITY.**—Section 441 (42

24 U.S.C. 2751) is amended—

1 (1) in subsection (b), by striking
2 “\$1,000,000,000 for fiscal year 1999” and inserting
3 “\$1,500,000,000 for fiscal year 2009”; and

4 (2) in subsection (c)—

5 (A) by striking “and” at the end of para-
6 graph (3);

7 (B) by striking the period at the end of
8 paragraph (4) and inserting “; and”; and

9 (C) by adding at the end the following new
10 paragraph:

11 “(5) responding to the needs of the community,
12 which may include activities in preparation for and
13 during emergencies and natural disasters.”.

14 (b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Sec-
15 tion 442(c)(4)(D) (42 U.S.C. 2752(d)(4)(D)) is amended
16 by striking “\$450” and inserting “\$600”.

17 **SEC. 442. ADDITIONAL FUNDS FOR OFF-CAMPUS COMMU-**
18 **NITY SERVICE.**

19 Section 447 (42 U.S.C. 2756a) is amended—

20 (1) by striking “Each institution participating”
21 and inserting “(a) COMMUNITY SERVICE-LEARN-
22 ING.—Each institution participating”; and

23 (2) by adding at the end the following new sub-
24 section:

25 “(b) OFF-CAMPUS COMMUNITY SERVICE.—

1 “(1) GRANTS AUTHORIZED.—In addition to
2 funds made available under section 443(b)(2)(B),
3 the Secretary is authorized to award grants to insti-
4 tutions participating under this part to supplement
5 off-campus community service employment.

6 “(2) USE OF FUNDS.—In any year in which
7 section 443(b)(2)(B) applies, an institution shall en-
8 sure that funds granted to such institution under
9 this subsection are used in accordance with such sec-
10 tion 443 to recruit and compensate students (includ-
11 ing compensation for time spent in training and for
12 travel directly related to such community service).

13 “(3) PRIORITY.—In awarding grants under this
14 subsection, the Secretary shall give priority to appli-
15 cations that support postsecondary students assisting
16 with early childhood education activities.

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
20 fiscal year 2009 and each of the 4 succeeding fiscal
21 years.”.

22 **SEC. 443. WORK COLLEGES.**

23 (a) WORK-LEARNING-SERVICE.—Section 448 (42
24 U.S.C. 2756b) is amended by striking “work-learning”

1 each place it appears and inserting “work-learning-serv-
2 ice”.

3 (b) DEFINITION.—Section 448(e) is amended to read
4 as follows:

5 “(e) DEFINITIONS.—For the purpose of this sec-
6 tion—

7 “(1) the term ‘work college’ means an eligible
8 institution that—

9 “(A) has been a public or private non-
10 profit, four-year, degree granting institution
11 with a commitment to community service;

12 “(B) has operated a comprehensive work-
13 learning-service program for at least 2 years;

14 “(C) requires all resident students, includ-
15 ing at least one-half of all students who are en-
16 rolled on a full-time basis, to participate in a
17 comprehensive work-learning-service program
18 for at least 5 hours each week, or at least 80
19 hours during each period of enrollment, except
20 summer school, unless the student is engaged in
21 an institutionally organized or approved study
22 abroad or externship program; and

23 “(D) provides students participating in the
24 comprehensive work-learning-service program
25 with the opportunity to contribute to their edu-

1 cation and to the welfare of the community as
2 a whole; and

3 “(2) the term ‘comprehensive student work-
4 learning-service program’—

5 “(A) means a student work-learning-serv-
6 ice program that is an integral and stated part
7 of the institution’s educational philosophy and
8 program;

9 “(B) requires participation of all resident
10 students for enrollment and graduation;

11 “(C) includes learning objectives, evalua-
12 tion, and a record of work performance as part
13 of the student’s college record;

14 “(D) provides programmatic leadership by
15 college personnel at levels comparable to tradi-
16 tional academic programs;

17 “(E) recognizes the educational role of
18 work-learning-service supervisors; and

19 “(F) includes consequences for non-
20 performance or failure in the work-learning-
21 service program similar to the consequences for
22 failure in the regular academic program.”.

23 (c) AUTHORIZATION.—Section 448(f) is amended—

24 (1) by striking “\$5,000,000” and inserting
25 “such sums”; and

1 (2) by striking “1999” and inserting “2009”.

2 **PART D—FEDERAL DIRECT STUDENT LOANS**

3 **SEC. 451. REAUTHORIZATION.**

4 Section 458(a) (20 U.S.C. 1087h(a)) is amended—

5 (1) in paragraph (2)—

6 (A) in the header, by striking “2011” and

7 inserting “2013”; and

8 (B) by striking “2011” and inserting

9 “2013”; and

10 (2) in paragraph (3), by striking “2011” and

11 inserting “2013”.

12 **SEC. 452. PUBLIC SERVICE JOB DEFINITION.**

13 Section 455(m)(3)(B) (20 U.S.C. 1087e(m)(3)(B)) is

14 amended to read as follows:

15 “(B) PUBLIC SERVICE JOB.—The term

16 ‘public service job’ means—

17 “(i) a full-time job in emergency man-

18 agement, government (excluding time

19 served as a member of Congress), military

20 service, public safety, law enforcement,

21 public health (including nurses, nurse

22 practitioners, nurses in a clinical setting,

23 and full-time professionals engaged in

24 health care practioner occupations and

25 health care support occupations, as such

1 terms are defined by the Bureau of Labor
2 Statistics), public education, social work in
3 a public child or family service agency,
4 public interest law services (including pros-
5 ecution or public defense or legal advocacy
6 on behalf of low-income communities at a
7 nonprofit organization), early childhood
8 education (including licensed or regulated
9 childcare, Head Start, and State funded
10 prekindergarten), public service for individ-
11 uals with disabilities, public service for the
12 elderly, public library sciences, school-
13 based library sciences and other school-
14 based services, or at an organization that
15 is described in section 501(c)(3) of the In-
16 ternal Revenue Code of 1986 and exempt
17 from taxation under section 501(a) of such
18 Code; or

19 “(ii) teaching as a full-time faculty
20 member at a Tribal College or University
21 as defined in section 316(b) and other fac-
22 ulty teaching in high-needs subject areas
23 or areas of shortage (including nurse fac-
24 ulty, foreign language faculty and part-

1 time faculty at community colleges), as de-
2 termined by the Secretary.”.

3 **PART E—PERKINS LOANS**

4 **SEC. 461. EXTENSION OF AUTHORITY.**

5 Section 461(b) (20 U.S.C. 1087aa(b)) is amended—

6 (1) in paragraph (1), by striking
7 “\$250,000,000 for fiscal year 1999” and inserting

8 “\$350,000,000 for fiscal year 2009”; and

9 (2) in paragraph (2), by striking “2003” each
10 place it appears and inserting “2014”.

11 **SEC. 462. ALLOWANCE FOR BOOKS AND SUPPLIES.**

12 Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is
13 amended by striking “\$450” and inserting “\$600”.

14 **SEC. 463. AGREEMENTS WITH INSTITUTIONS.**

15 (a) TRANSFERS FOR COLLECTION.—Section
16 463(a)(4)(B) (20 U.S.C. 1087cc(a)(4)(B)) is amended to
17 read as follows:

18 “(B) if the institution is not one described
19 in subparagraph (A), the Secretary may allow
20 such institution to refer such note or agreement
21 to the Secretary, without recompense, except
22 that any sums collected on such a loan (less an
23 amount not to exceed 30 percent of any such
24 sums collected to cover the Secretary’s collec-
25 tion costs) shall be repaid to such institution no

1 later than 180 days after collection by the Sec-
2 retary and treated as an additional capital con-
3 tribution under section 462;”.

4 (b) REVISE AUTHORITY TO PRESCRIBE ADDITIONAL
5 FISCAL CONTROLS.—Section 463(a)(9) (20 U.S.C.
6 1087cc(a)(9)) is amended by inserting “, except that noth-
7 ing in this paragraph shall be construed to permit the Sec-
8 retary to require the assignment of loans to the Secretary
9 other than as is provided for in paragraphs (4) and (5)”
10 before the period.

11 **SEC. 464. PERKINS LOAN TERMS AND CONDITIONS.**

12 (a) LOAN LIMITS.—Section 464(a) (20 U.S.C.
13 1087dd(a)) is amended—

14 (1) in paragraph (2)(A)—

15 (A) by striking “\$4,000” in clause (i) and
16 inserting “\$5,500”; and

17 (B) by striking “\$6,000” in clause (ii) and
18 inserting “\$8,000”; and

19 (2) in paragraph (2)(B)—

20 (A) by striking “\$40,000” in clause (i) and
21 inserting “\$60,000”;

22 (B) by striking “\$20,000” in clause (ii)
23 and inserting “\$27,500”; and

24 (C) by striking “\$8,000” in clause (iii) and
25 inserting “\$11,000”.

1 (b) FORBEARANCE.—Section 464 (20 U.S.C.
2 1087dd) is further amended—

3 (1) in subsection (e)—

4 (A) in the matter preceding paragraph (1),
5 by striking “, upon written request,” and in-
6 serting “, as documented in accordance with
7 paragraph (2),”;

8 (B) by redesignating paragraphs (1)
9 through (3) as subparagraphs (A) through (C),
10 respectively;

11 (C) by inserting “(1)” after “FORBEAR-
12 ANCE.—”; and

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

14 “(2) For the purpose of paragraph (1), the terms of
15 forbearance agreed to by the parties shall be documented
16 by—

17 “(A) confirming the agreement of the borrower
18 by notice to the borrower from the institution of
19 higher education; and

20 “(B) recording the terms in the borrower’s
21 file.”;

22 (2) in subsection (h)(1)(A), by striking “12
23 ontime” and inserting “9 on-time”; and

24 (3) in subsection (j), by striking “(e)(3)” and
25 inserting “(e)(1)(C)”.

1 **SEC. 465. CANCELLATION FOR PUBLIC SERVICE.**

2 (a) CANCELLATION FOR PUBLIC SERVICE.—Section
3 465(a)(2) (20 U.S.C. 1087ee(a)(2)) is amended—

4 (1) in paragraph (2)—

5 (A) in subparagraph (B), by striking
6 “Head Start Act which” and inserting “Head
7 Start Act, or in a prekindergarten or child care
8 program that is licensed or regulated by the
9 State, that”;

10 (B) in subparagraph (H), by striking “or”
11 after the semicolon;

12 (C) in subparagraph (I), by striking the
13 period and inserting a semicolon; and

14 (D) by inserting before the matter fol-
15 lowing subparagraph (I) the following:

16 “(J) as a full-time fire fighter for service to a
17 local, State, or Federal fire department or fire dis-
18 trict;

19 “(K) as a full-time faculty member at a Tribal
20 College or University, as that term is defined in sec-
21 tion 316;

22 “(L) as a librarian, if the librarian has a mas-
23 ter’s degree in library science and is employed in—

24 “(i) an elementary school or secondary
25 school that is eligible for assistance under title

1 I of the Elementary and Secondary Education
2 Act of 1965; or

3 “(ii) a public library that serves a geo-
4 graphic area that contains 1 or more schools el-
5 igible for assistance under title I of the Elemen-
6 tary and Secondary Education Act of 1965; or

7 “(M) as a full-time speech language therapist,
8 if the therapist has a master’s degree and is working
9 exclusively with schools that are eligible for assist-
10 ance under title I of the Elementary and Secondary
11 Education Act of 1965.”; and

12 (2) in paragraph (3)(A)—

13 (A) in clause (i)—

14 (i) by inserting “(D),” after “(C),”;

15 and

16 (ii) by striking “or (I)” and inserting
17 “(I), (J), (K), (L), or (M)”;

18 (B) in clause (ii), by inserting “or” after
19 the semicolon;

20 (C) by striking clause (iii); and

21 (D) by redesignating clause (iv) as clause
22 (iii).

23 (b) TECHNICAL AMENDMENT.—Section 465(a)(2)(20
24 U.S.C. 1087ee(a)(2)) is amended by amending subpara-
25 graph (A) to read as follows:

1 “(A) as a full-time teacher for service in an
2 academic year in a high-need school;”.

3 **PART F—NEED ANALYSIS**

4 **SEC. 471. COST OF ATTENDANCE.**

5 (a) AMENDMENTS.—Section 472(3) (20 U.S.C.
6 1087kk(3)) is amended—

7 (1) in subparagraph (B), by striking “and”
8 after the semicolon;

9 (2) by redesignating subparagraph (C) as sub-
10 paragraph (D); and

11 (3) by inserting after subparagraph (B), as
12 amended by paragraph (1), the following:

13 “(C) for students who live in housing lo-
14 cated on a military base or for which a basic al-
15 lowance is provided under section 403(b) of title
16 37, United States Code, shall be an allowance
17 based on the expenses reasonably incurred by
18 such students for board but not for room; and”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall take effect on July 1, 2009.

21 **SEC. 472. DEFINITIONS.**

22 (a) TOTAL INCOME.—Section 480(a) (20 U.S.C.
23 1087vv(a)) is amended by adding at the end the following
24 new paragraph:

1 “(3) Notwithstanding paragraph (1), with re-
2 spect to dislocated workers (as defined in section
3 101 of the Workforce Investment Act of 1998 (29
4 U.S.C. 2801)), the term ‘total income’ is equal to es-
5 timated adjusted gross income plus estimated
6 untaxed income and benefits for the current tax year
7 minus estimated excludable income (as defined in
8 subsection (e)) in for the current tax year.”.

9 (b) **UNTAXED INCOME AND BENEFITS.**—Section
10 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by insert-
11 ing “, except that the value of on-base military housing
12 or the value of basic allowance for housing determined
13 under section 403(b) of title 37, United States Code, re-
14 ceived by the parents, in the case of a dependent student,
15 or the student or student’s spouse, in the case of an inde-
16 pendent student, shall be excluded” before the semicolon.

17 (c) **TREATMENT OF VETERANS’ EDUCATION BENE-**
18 **FITS IN ESTIMATED FINANCIAL ASSISTANCE CALCULA-**
19 **TION.**—Section 480(j) (20 U.S.C. 1087vv(j)) is amended
20 by adding at the end the following new paragraph:

21 “(4) Notwithstanding paragraph (1), for the first
22 year a student receives veterans’ education benefits under
23 chapter 30 of title 38, United States Code, the amount
24 of such veterans’ education benefits that is treated as esti-
25 mated financial assistance not received under this title for

1 the purposes of section 471(3) shall be calculated by sub-
2 tracting the amount that the student's basic pay was re-
3 duced under section 3011(b) or 3012(c) of such title in
4 order to be eligible to receive such benefits from the
5 amount of such veterans' education benefits.”.

6 (d) EFFECTIVE DATE.—The amendments made by
7 this section are effective on July 1, 2009.

8 **PART G—GENERAL PROVISIONS**

9 **SEC. 481. COMPLIANCE CALENDAR.**

10 Section 482 (20 U.S.C. 1089) is amended by adding
11 at the end the following:

12 “(e) COMPLIANCE CALENDAR.—Prior to the begin-
13 ning of each award year, the Secretary shall provide to
14 institutions of higher education a list of all the reports
15 and disclosures required under this Act. The list shall in-
16 clude—

17 “(1) the date each report or disclosure is re-
18 quired to be completed and to be submitted, made
19 available, or disseminated;

20 “(2) the required recipients of each report or
21 disclosure;

22 “(3) any required method for transmittal or
23 dissemination of each report or disclosure;

24 “(4) a description of the content of each report
25 or disclosure sufficient to allow the institution to

1 identify the appropriate individuals to be assigned
2 the responsibility for such report or disclosure;

3 “(5) references to the statutory authority, ap-
4 plicable regulations, and current guidance issued by
5 the Secretary regarding each report or disclosure;
6 and

7 “(6) any other information which is pertinent to
8 the content or distribution of the report or disclo-
9 sure.”.

10 **SEC. 482. IMPROVEMENTS TO PAPER AND ELECTRONIC**
11 **FORMS AND PROCESSES.**

12 (a) COMMON FINANCIAL AID FORM DEVELOPMENT
13 AND PROCESSING.—Section 483 (20 U.S.C. 1090) is
14 amended—

15 (1) in subsection (a)—

16 (A) by striking paragraphs (1), (2), and
17 (5);

18 (B) by redesignating paragraphs (3), (4),
19 (6), and (7), as paragraphs (9), (10), (11), and
20 (12), respectively;

21 (C) by inserting before paragraph (9), as
22 redesignated by subparagraph (B), the fol-
23 lowing:

24 “(1) IN GENERAL.—The Secretary, in coopera-
25 tion with representatives of agencies and organiza-

1 tions involved in student financial assistance, shall
2 produce, distribute, and process free of charge com-
3 mon financial reporting forms as described in this
4 subsection to be used for application and reapplica-
5 tion to determine the need and eligibility of a stu-
6 dent for financial assistance under parts A through
7 E (other than subpart 4 of part A). These forms
8 shall be made available to applicants in both paper
9 and electronic formats and shall be referred to as
10 the ‘Free Application for Federal Student Aid’ or
11 the ‘FAFSA’ . The Secretary shall work to make the
12 FAFSA consumer-friendly and to make questions on
13 the FAFSA easy for students and parents to read
14 and understand, and shall ensure that the FAFSA
15 is available in formats accessible to individuals with
16 disabilities.

17 “(2) EARLY ESTIMATES.—The Secretary
18 shall—

19 “(A) permit applicants to enter data in
20 such forms as described in this subsection in
21 the years prior to enrollment in order to obtain
22 a non-binding estimate of the applicant’s family
23 contribution (as defined in section 473);

24 “(B) permit applicants to update informa-
25 tion submitted on forms described in this sub-

1 section, without needing to re-enter previously
2 submitted information;

3 “(C) develop a means to inform applicants,
4 in the years prior to enrollment, of student aid
5 options for individuals in similar financial situa-
6 tions; and

7 “(D) develop a means to provide a clear
8 and conspicuous notice that the applicant’s ex-
9 pected family contribution is subject to change
10 and may not reflect the final expected family
11 contribution used to determine Federal student
12 financial aid award amounts.

13 “(3) PAPER FORMAT.—

14 “(A) IN GENERAL.—The Secretary shall
15 produce, distribute, and process common forms
16 in paper format to meet the requirements of
17 paragraph (1). The Secretary shall develop a
18 common paper form for applicants who do not
19 meet the requirements of subparagraph (B).

20 “(B) EZ FAFSA.—

21 “(i) IN GENERAL.—The Secretary
22 shall develop and use a simplified paper
23 application form, to be known as the ‘EZ
24 FAFSA’, to be used for applicants meeting

1 the requirements of subsections (b) and (c)
2 of section 479.

3 “(ii) REDUCED DATA REQUIRE-
4 MENTS.—The EZ FAFSA shall permit an
5 applicant to submit for financial assistance
6 purposes, only the data elements required
7 to make a determination of whether the
8 applicant meets the requirements under
9 subsections (b) and (c) of section 479.

10 “(iii) STATE DATA.—The Secretary
11 shall include on the EZ FAFSA such data
12 items as may be necessary to award State
13 financial assistance, as provided under
14 paragraph (6), except that the Secretary
15 shall not include a State’s data if that
16 State does not permit its applicants to use
17 the EZ FAFSA for State assistance.

18 “(iv) FREE AVAILABILITY AND PROC-
19 ESSING.—The provisions of paragraph (7)
20 shall apply to the EZ FAFSA, and the
21 data collected by means of the EZ FAFSA
22 shall be available to institutions of higher
23 education, guaranty agencies, and States
24 in accordance with paragraph (9).

1 “(v) TESTING.—The Secretary shall
2 conduct appropriate field testing on the
3 EZ FAFSA.

4 “(C) PROMOTING THE USE OF ELEC-
5 TRONIC FAFSA.—

6 “(i) IN GENERAL.—The Secretary
7 shall make all efforts to encourage all ap-
8 plicants to utilize the electronic forms de-
9 scribed in paragraph (4).

10 “(ii) MAINTENANCE OF THE FAFSA IN
11 A PRINTABLE ELECTRONIC FILE.—The
12 Secretary shall maintain a version of the
13 paper forms described in subparagraphs
14 (A) and (B) in a printable electronic file
15 that is easily portable. The printable elec-
16 tronic file will be made easily accessible
17 and downloadable to students on the same
18 website used to provide students with the
19 electronic application forms described in
20 paragraph (4) of this subsection. The Sec-
21 retary shall enable students to submit a
22 form created under this subparagraph that
23 may be downloaded and printed from an
24 electronic file format in order to meet the
25 filing requirements of this section and in

1 order to receive aid from programs under
2 this title.

3 “(iii) REPORTING REQUIREMENT.—

4 The Secretary shall report annually to
5 Congress on the impact of the digital di-
6 vide on students completing applications
7 for title IV aid described under this para-
8 graph and paragraph (4). The Secretary
9 will also report on the steps taken to elimi-
10 nate the digital divide and reduce produc-
11 tion of the paper form described in sub-
12 paragraph (A) of this paragraph. The Sec-
13 retary’s report will specifically address the
14 impact of the digital divide on the fol-
15 lowing student populations: independent
16 students, traditionally underrepresented
17 students, and dependent students.

18 “(4) ELECTRONIC FORMAT.—

19 “(A) IN GENERAL.—The Secretary shall
20 produce, distribute, and process common forms
21 in electronic format to meet the requirements of
22 paragraph (1). The Secretary shall develop
23 common electronic forms for applicants who do
24 not meet the requirements of subparagraph (C)
25 of this paragraph.

1 “(B) STATE DATA.—The Secretary shall
2 include on the common electronic forms space
3 for information that needs to be entered for the
4 applicant to be eligible for State financial as-
5 sistance, as provided under paragraph (6), ex-
6 cept the Secretary shall not require applicants
7 to enter data required by any State other than
8 the applicant’s State of residence.

9 “(C) SIMPLIFIED APPLICATIONS: FAFSA ON
10 THE WEB.—

11 “(i) IN GENERAL.—The Secretary
12 shall develop and use a simplified elec-
13 tronic application form to be used by appli-
14 cants meeting the requirements under sub-
15 sections (b) and (c) of section 479.

16 “(ii) REDUCED DATA REQUIRE-
17 MENTS.—The simplified electronic applica-
18 tion forms shall permit an applicant to
19 submit for financial assistance purposes,
20 only the data elements required to make a
21 determination of whether the applicant
22 meets the requirements under subsection
23 (b) or (c) of section 479.

24 “(iii) STATE DATA.—The Secretary
25 shall include on the simplified electronic

1 application forms such data items as may
2 be necessary to award state financial as-
3 sistance, as provided under paragraph (6),
4 except that the Secretary shall not require
5 applicants to enter data required by any
6 State other than the applicant's state of
7 residence.

8 “(iv) AVAILABILITY AND PROC-
9 ESSING.—The data collected by means of
10 the simplified electronic application forms
11 shall be available to institutions of higher
12 education, guaranty agencies, and States
13 in accordance with paragraph (9).

14 “(v) TESTING.—The Secretary shall
15 conduct appropriate field testing on the
16 forms developed under this subparagraph.

17 “(D) USE OF FORMS.—Nothing in this
18 subsection shall be construed to prohibit the use
19 of the forms developed by the Secretary pursu-
20 ant to this paragraph by an eligible institution,
21 eligible lender, guaranty agency, State grant
22 agency, private computer software provider, a
23 consortium thereof, or such other entities as the
24 Secretary may designate.

1 “(E) PRIVACY.—The Secretary shall en-
2 sure that data collection under this paragraph
3 complies with section 552a of title 5, United
4 States Code, and that any entity using the elec-
5 tronic version of the forms developed by the
6 Secretary pursuant to this paragraph shall
7 maintain reasonable and appropriate adminis-
8 trative, technical, and physical safeguards to
9 ensure the integrity and confidentiality of the
10 information, and to protect against security
11 threats, or unauthorized uses or disclosures of
12 the information provided on the electronic
13 version of the forms. Data collected by such
14 electronic version of the forms shall be used
15 only for the application, award, and administra-
16 tion of aid awarded under this title, State aid
17 awarded under section 415C, or aid awarded by
18 eligible institutions or such entities as the Sec-
19 retary may designate. No data collected by such
20 electronic version of the forms shall be used for
21 making final aid awards under this title until
22 such data have been processed by the Secretary
23 or a contractor or designee of the Secretary, ex-
24 cept as may be permitted under this title.

1 “(F) SIGNATURE.—Notwithstanding any
2 other provision of this Act, the Secretary may
3 permit an electronic form under this paragraph
4 to be submitted without a signature, if a signa-
5 ture is subsequently submitted by the applicant
6 or if the applicant uses a personal identification
7 number provided by the Secretary under sub-
8 paragraph (G) of this paragraph.

9 “(G) PERSONAL IDENTIFICATION NUM-
10 BERS AUTHORIZED.—The Secretary may assign
11 to applicants personal identification numbers—

12 “(i) to enable the applicants to use
13 such numbers in lieu of a signature for
14 purposes of completing a form under this
15 paragraph;

16 “(ii) to enable the applicants to use
17 such numbers in lieu of a signature for
18 purposes of completing forms required by
19 States under section 415C; and

20 “(iii) for any purpose determined by
21 the Secretary to enable the Secretary to
22 carry out this title.

23 “(H) PERSONAL IDENTIFICATION NUMBER
24 IMPROVEMENT.—Not later than 180 days after
25 the date of enactment of the College Oppor-

1 tunity and Affordability Act of 2007, the Sec-
2 retary shall implement a real-time data match
3 between the Social Security Administration and
4 the Department to minimize the time required
5 for an applicant to obtain a personal identifica-
6 tion number when applying for aid under this
7 title through an electronic version of a form de-
8 veloped under this paragraph.

9 “(5) STREAMLINING.—

10 “(A) STREAMLINED REAPPLICATION PROC-
11 ESS.—

12 “(i) IN GENERAL.—The Secretary
13 shall develop streamlined reapplication
14 forms and processes, including both paper
15 and electronic reapplication processes, con-
16 sistent with the requirements of this sub-
17 section, for an applicant who applies for fi-
18 nancial assistance under this title in the
19 next succeeding academic year subsequent
20 to the year in which such applicant first
21 applied for financial assistance under this
22 title.

23 “(ii) MECHANISMS FOR REAPPLICA-
24 TION.—The Secretary shall develop appro-

1 appropriate mechanisms to support reapplica-
2 tion.

3 “(iii) IDENTIFICATION OF UPDATED
4 DATA.—The Secretary shall determine, in
5 cooperation with States, institutions of
6 higher education, agencies, and organiza-
7 tions involved in student financial assist-
8 ance, the data elements that can be up-
9 dated from the previous academic year’s
10 application.

11 “(iv) REDUCED DATA AUTHORIZED.—
12 Nothing in this title shall be construed as
13 limiting the authority of the Secretary to
14 reduce the number of data elements re-
15 quired of reapplicants.

16 “(v) ZERO FAMILY CONTRIBUTION.—
17 Applicants determined to have a zero fam-
18 ily contribution pursuant to section 479(c)
19 shall not be required to provide any finan-
20 cial data in a reapplication form, except
21 that which is necessary to determine eligi-
22 bility under such section.

23 “(B) REDUCTION OF DATA ELEMENTS.—

24 “(i) REDUCTION ENCOURAGED.—Of
25 the number of data elements on the

1 FAFSA on the date of enactment of the
2 College Opportunity and Affordability Act
3 of 2007 (including questions on the
4 FAFSA for the purposes described in
5 paragraph (6)), the Secretary, in coopera-
6 tion with representatives of agencies and
7 organizations involved in student financial
8 assistance, shall continue to reduce the
9 number of such data elements required to
10 be entered by all applicants, with the goal
11 of reducing such number by 50 percent.
12 Reductions of data elements under para-
13 graph (3)(B), (4)(C), or (5)(A)(iv) shall
14 not be counted towards such reduction un-
15 less those data elements are reduced for all
16 applicants.

17 “(ii) REPORT.—The Secretary shall
18 submit a report on the process of this re-
19 duction to each the authorizing committees
20 within 2 years after such date of enact-
21 ment.

22 “(6) STATE REQUIREMENTS.—

23 “(A) IN GENERAL.—The Secretary shall
24 include 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
3 State aid under section 415C, except as pro-
4 vided in paragraphs (3)(B)(iii) and (4)(C)(iii)
5 of this subsection. Such items shall be selected
6 in consultation with State agencies that submit
7 applications under section 415C in order to as-
8 sist in the awarding of State financial assist-
9 ance in accordance with the terms of this sub-
10 section, except as provided in paragraphs
11 (3)(B)(iii) and (4)(C)(iii) of this subsection.
12 The number of such data items shall not be less
13 than the number included on the form for the
14 2008–2009 academic year, unless a State noti-
15 fies the Secretary that the State no longer re-
16 quires those data items for the distribution of
17 State need-based aid.

18 “(B) ANNUAL REVIEW.—The Secretary
19 shall conduct an annual review process to deter-
20 mine which forms and nonfinancial data items
21 the States require to award need-based State
22 aid and other application requirements that the
23 States may impose.

24 “(C) STATE USE OF SIMPLIFIED FORMS.—
25 The Secretary shall encourage States to take

1 such steps as necessary to encourage the use of
2 simplified application forms, including those de-
3 scribed in paragraphs (3)(B) and (4)(C), to
4 meet the requirements under subsection (b) or
5 (c) of section 479.

6 “(D) FEDERAL REGISTER NOTICE.—The
7 Secretary shall publish on an annual basis a no-
8 tice in the Federal Register requiring State
9 agencies to inform the Secretary—

10 “(i) if the State agency is unable to
11 permit applicants to utilize the simplified
12 application forms described in paragraphs
13 (3)(B) and (4)(C); and

14 “(ii) of the State-specific nonfinancial
15 data that the State agency requires for de-
16 livery of State need-based financial aid.

17 “(E) STATE NOTIFICATION TO THE SEC-
18 RETARY.—

19 “(i) IN GENERAL.—Each State agency
20 that submits an application under section
21 415C shall notify the Secretary—

22 “(I) whether the State permits
23 an applicant to file a form described
24 in paragraph (3)(B) or (4)(A) of this
25 subsection for purposes of deter-

1 mining eligibility for State need-based
2 grant aid; 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 ap-
9 plicant to file a form described in para-
10 graph (3)(B) or (4)(A) of this subsection
11 for purposes of determining eligibility for
12 State need-based grant aid—

13 “(I) the State shall notify the
14 Secretary if the State is not permitted
15 to do so because of either State law or
16 because 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

1 Secretary pursuant to clause (i), the Sec-
2 retary shall—

3 “(I) permit residents of that
4 State to complete simplified applica-
5 tion forms under paragraphs (3)(B)
6 and (4)(A) of this subsection; and

7 “(II) not require any resident of
8 that State to complete any non-
9 financial data previously required by
10 that State under this section.

11 “(7) CHARGES TO STUDENTS AND PARENTS
12 FOR USE OF FORMS PROHIBITED.—

13 “(A) FEES PROHIBITED.—The FAFSA, in
14 whatever form (including the EZ-FAFSA,
15 paper, electronic, simplified, or reapplication),
16 shall be produced, distributed, and processed by
17 the Secretary and no parent or student shall be
18 charged a fee for the collection, processing, or
19 delivery of financial aid through the use of the
20 FAFSA. The need and eligibility of a student
21 for financial assistance under parts A through
22 E of this title (other than under subpart 4 of
23 part A) may only be determined by using the
24 FAFSA developed by the Secretary pursuant to
25 this subsection. No student may receive assist-

1 ance under parts A through E of this title
2 (other than under subpart 4 of part A), except
3 by use of the FAFSA developed by the Sec-
4 retary pursuant to this subsection. No data col-
5 lected on a form for which a fee is charged shall
6 be used to complete the FAFSA.

7 “(B) NOTICE.—Any entity that provides to
8 students and parents, or charges students or
9 parents for, any value-added services with re-
10 spect to or in connection with the FAFSA, such
11 as completion of the FAFSA, submission of the
12 FAFSA, or tracking of the FAFSA for a stu-
13 dent, shall provide to students and parents
14 clear and conspicuous 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
24 created under this subsection in order to meet the
25 filing requirements of this section and in order to re-

1 ceive aid from programs under this title and shall
2 initiate the processing of applications under this
3 subsection as early as practicable prior to October
4 15 of the year prior to the student's planned year
5 of enrollment.”;

6 (2) by adding at the end of subsection (a) the
7 following paragraph:

8 “(13) EARLY APPLICATION AND AWARD DEM-
9 ONSTRATION PROGRAM.—

10 “(A) PROGRAM REQUIRED.—The Secretary
11 shall, no later than two years after the date of
12 the enactment of the College Opportunity and
13 Affordability Act of 2007, implement an early
14 application demonstration program enabling de-
15 pendent students to—

16 “(i) complete applications under this
17 subsection in such students' junior year of
18 secondary school, or in the academic year
19 that is 2 years prior to such students' in-
20 tended year of enrollment at an institution
21 of higher education;

22 “(ii) receive an estimate of such stu-
23 dents' financial aid awards;

24 “(iii) update, in the year prior to such
25 students' planned year of enrollment, the

1 information contained in an application
2 submitted under clause (i), using the proc-
3 ess described in paragraph (5) to deter-
4 mine such students' final financial aid
5 awards; and

6 “(iv) receive final financial aid awards
7 based on updated information described in
8 clause (iii).

9 “(B) PURPOSE AND OBJECTIVES.—The
10 purpose of the demonstration program under
11 this paragraph shall be to measure the benefits,
12 in terms of student aspirations and plans to at-
13 tend college, and the adverse effects, in terms
14 of program costs, integrity, distribution, and
15 delivery of aid under this title, of implementing
16 an early application system for all dependent
17 students that allows dependent students to
18 apply for financial aid using information from
19 the year prior to the year prior to enrollment.
20 Additional objectives associated with implemen-
21 tation of the demonstration program are the
22 following:

23 “(i) Measure the feasibility of ena-
24 bling dependent students to apply for Fed-
25 eral, State, and institutional financial aid

1 in their junior year of high school, using
2 information from the year prior to the year
3 prior to enrollment, by completing any of
4 the application forms under this sub-
5 section.

6 “(ii) Identify whether receiving final
7 financial aid awards no later than the fall
8 of the senior year provides students with
9 additional time to compete for the limited
10 resources available for State and institu-
11 tional financial aid and positively impacts
12 the college aspirations and plans of these
13 students.

14 “(iii) Measure the impact of using in-
15 come information from the years prior to
16 enrollment on—

17 “(I) eligibility for financial aid
18 under this title and for other State
19 and institutional aid; and

20 “(II) the cost of financial aid
21 programs under this title.

22 “(iv) Effectively evaluate the benefits
23 and adverse effects of the demonstration
24 program on program costs, integrity, dis-
25 tribution, and delivery of aid.

1 “(C) PARTICIPANTS.—The Secretary shall
2 select States and institutions within those
3 States to participate in the demonstration pro-
4 gram under this paragraph that are partici-
5 pating in the programs under this title and that
6 are willing to make final financial aid awards to
7 students based on their application information
8 from the year prior to the year prior to enroll-
9 ment. The Secretary shall also select as partici-
10 pants in the demonstration program secondary
11 schools and dependent students that are located
12 in the participating States.

13 “(D) APPLICATION PROCESS.—The Sec-
14 retary shall insure that the following provisions
15 are included in the demonstration program:

16 “(i) Participating States and institu-
17 tions shall—

18 “(I) encourage participating stu-
19 dents to apply for estimates of finan-
20 cial aid awards as provided under this
21 title in such students’ junior year of
22 secondary school, or in the academic
23 year that is 2 years prior to such stu-
24 dents’ intended year of enrollment at
25 an institution of higher education,

1 using the most recent information
2 available; and

3 “(II) make final financial aid
4 awards to participating students
5 based on the updated information con-
6 tained on a form submitted using the
7 process described in paragraph (5).

8 “(ii) Financial aid administrators at
9 participating institutions shall be allowed
10 to use their discretion in awarding finan-
11 cial aid to participating students, as out-
12 lined under section 479A and section
13 480(d)(7).

14 “(E) EVALUATION.—The Secretary shall
15 conduct a rigorous evaluation of this dem-
16 onstration program in order to measure its ben-
17 efits and adverse effects as indicated under sub-
18 paragraph (A).

19 “(F) OUTREACH.—The Secretary shall
20 make appropriate efforts in order to notify
21 States of the demonstration program under this
22 paragraph. Upon determination of participating
23 States, the Secretary shall continue to make ef-
24 forts to notify institutions and dependent stu-
25 dents within participating States of the oppor-

1 tunity to participate in the demonstration pro-
2 gram and of the participation requirements.

3 “(G) CONSULTATION.—The Secretary shall
4 consult with the Advisory Committee on Stu-
5 dent Financial Assistance, established under
6 section 491, on the design and implementation
7 of the demonstration program and on the eval-
8 uation described in subparagraph (E).”

9 (3) by striking subsection (b); and

10 (4) by redesignating subsections (c), (d), and
11 (e) as subsections (b), (c), and (d), respectively.

12 (b) MASTER CALENDAR.—Section 482(a)(1) (20
13 U.S.C. 1089(a)(1)) is amended by striking subparagraphs
14 (B) and (C) and inserting the following:

15 “(B) by March 1: proposed modifications,
16 updates, and notices pursuant to sections 478
17 and 483(a)(6) published in the Federal Reg-
18 ister;

19 “(C) by June 1: final modifications, up-
20 dates, and notices pursuant to sections 478 and
21 483(a)(6) published in the Federal Register;”.

22 (c) MODEL INSTITUTION FINANCIAL AID OFFER
23 FORM.—

24 (1) REPORT AND MODEL FORMAT.—Not later
25 than 1 year after the date of enactment of the Col-

1 lege Opportunity and Affordability Act of 2007, the
2 Secretary shall—

3 (A) prepare a report on the adequacy of
4 the financial aid offer forms provided by insti-
5 tutions of higher education to students and the
6 parents of such students, after consulting
7 with—

8 (i) students;

9 (ii) parents of students;

10 (iii) representatives of institutions of
11 higher education (including financial aid
12 administrators, registrars, and business of-
13 ficers); and

14 (iv) consumer groups that receive no
15 commercial or institution of higher edu-
16 cation support;

17 (B) include in the report a model format
18 for financial aid offer forms that—

19 (i) is based on the report's findings;

20 and

21 (ii) includes the information described
22 in paragraph (2); and

23 (C)(i) submit the report and model format
24 to the authorizing committees (as defined in

1 section 103 of the Higher Education Act of
2 1965 (20 U.S.C. 1003); and

3 (ii) make the report and model format
4 available to institutions of higher education,
5 lenders, and the public.

6 (2) MODEL FORMAT CONTENTS.—The model fi-
7 nancial aid offer format developed under paragraph
8 (1) shall present, in a consumer-friendly manner, the
9 following information:

10 (A) The student's cost of attendance for
11 the year for which the institution of higher edu-
12 cation is issuing the financial aid offer form, in-
13 cluding the actual or estimated costs included
14 in the cost of attendance for such year for each
15 of the following:

- 16 (i) Tuition and fees.
17 (ii) Room and board costs.
18 (iii) Books and supplies.
19 (iv) Transportation.

20 (B) The amount of financial aid that the
21 student does not have to repay, such as scholar-
22 ships and grants, offered to the student for
23 such year.

1 (C) The conditions under which the finan-
2 cial aid described in subparagraph (B) is renew-
3 able each year.

4 (D) The amount of work-study assistance
5 offered to the student for such year, and the
6 conditions under which the student has to fulfill
7 the work-study assistance.

8 (E) The types and amounts of loans under
9 part B, D, or E of title IV for which the stu-
10 dent is eligible for such year, and the interest
11 rate, loan term, monthly repayment amount,
12 and total repayment amount of each such loan.

13 (F) The types and amounts of loans under
14 428B or Federal Direct PLUS loans under sec-
15 tion 455 for which a parent of the student is
16 eligible for such year, and the interest rate,
17 loan term, monthly repayment amount, and
18 total repayment amount of each such loan.

19 (G) The net amount that the student or
20 the student's parent will have to pay to attend
21 the institution for such year, which amount
22 shall be the difference between—

23 (i) the cost of attendance for the stu-
24 dent for such year; less

1 (ii) the amount of financial aid offered
2 by the covered institution in the financial
3 aid offer form.

4 (H) Where a student or the student's par-
5 ent can seek additional information regarding
6 the financial aid offered.

7 (I) Any other information the Secretary
8 determines necessary so that students and par-
9 ents can make informed student loan borrowing
10 decisions.

11 **SEC. 483. INCREASING ACCESS TO TECHNOLOGY.**

12 Section 483 (20 U.S.C. 1087ss) is further amended
13 by adding at the end the following:

14 “(e) ADDRESSING THE DIGITAL DIVIDE.—The Sec-
15 retary shall utilize savings accrued by moving more appli-
16 cants to the electronic forms described in subsection (a)(4)
17 to improve access to the electronic forms described in sub-
18 section (a)(4) for applicants meeting the requirements of
19 section 479(b) or (c).”.

20 **SEC. 484. SENSE OF THE CONGRESS; REPORT.**

21 (a) SENSE OF CONGRESS.—It is the sense of the Con-
22 gress that—

23 (1) in order to simplify the Free Application for
24 Federal Student Aid (FAFSA), which serves as an
25 entry point for the scholarships, grants, loans, and

1 work-study assistance that make it possible for mil-
2 lions of students to attend college, the Secretary of
3 Education and the Secretary of the Treasury should
4 work together to develop a process by which the De-
5 partment of Education will, with the aid applicant's
6 permission, draw income information directly from
7 the Internal Revenue Service for the purpose of com-
8 pleting the EZ FAFSA, the FAFSA, and FAFSA
9 renewal applications and providing early estimates of
10 aid eligibility; and

11 (2) this process would—

12 (A) ease the burden of reporting income-
13 related information for applicants;

14 (B) increase the efficiency, accuracy, and
15 security of the FAFSA filing process;

16 (C) significantly reduce the need for fur-
17 ther verification by the Department of Edu-
18 cation, institutions, and applicants; and

19 (D) protect the security, privacy, and safe-
20 ty of all data used in the FAFSA filing process.

21 (b) REPORT.—The Secretary of Education shall,
22 within one year after the date of enactment of this Act—

23 (1) provide the Congress with information on
24 the progress in devising the simplified process de-
25 scribed in subsection (a); and

1 (2) inform the Congress of any necessary statu-
2 tory changes for the purpose of increasing the effi-
3 ciency and effectiveness of the FAFSA application
4 process.

5 **SEC. 485. STUDENT ELIGIBILITY.**

6 (a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is
7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (4), by striking “the Re-
10 public of the Marshall Islands, the Federated
11 States of Micronesia, or”; and

12 (B) in paragraph (5), by striking “a cit-
13 izen of any one of the Freely Associated
14 States” and inserting “or, to the extent de-
15 scribed in subsection (j), a citizen of the Repub-
16 lic of Palau”;

17 (2) by amending subsection (j) to read as fol-
18 lows:

19 “(j) ASSISTANCE UNDER SUBPART 1 OF PART A FOR
20 STUDENTS FROM PALAU.—Notwithstanding any other
21 provision of law, a student shall be eligible until Sep-
22 tember 30, 2009, for assistance under subpart 1 of part
23 A if the student is otherwise qualified and—

24 “(1) is a citizen of the Republic of Palau and
25 attends an institution of higher education in a State

1 or a public or nonprofit private institution of higher
2 education in the Freely Associated States; or

3 “(2) meets the requirements of subsection
4 (a)(5) and attends a public or nonprofit private in-
5 stitution of higher education in any one of the Free-
6 ly Associated States.”;

7 (3) by striking subsection (1) and inserting the
8 following:

9 “(1) COURSES OFFERED THROUGH DISTANCE EDU-
10 CATION.—

11 “(1) RELATION TO CORRESPONDENCE
12 COURSES.—

13 “(A) IN GENERAL.—A student enrolled in
14 a course of instruction at an institution of high-
15 er education that is offered principally through
16 distance education and leads to a recognized
17 certificate, or associate, baccalaureate, or grad-
18 uate degree, conferred by such institution, shall
19 not be considered to be enrolled in correspond-
20 ence courses.

21 “(B) EXCEPTION.—An institution of high-
22 er education referred to in subparagraph (A)
23 shall not include an institution or school de-
24 scribed in section 3(3)(C) of the Carl D. Per-

1 kins Career and Technical Education Act of
2 2006.

3 “(2) RESTRICTION OR REDUCTIONS OF FINAN-
4 CIAL AID.—A student’s eligibility to receive grants,
5 loans, or work assistance under this title shall be re-
6 duced if a financial aid officer determines under the
7 discretionary authority provided in section 479A
8 that distance education results in a substantially re-
9 duced cost of attendance to such student.

10 “(3) SPECIAL RULE.—For award years prior to
11 July 1, 2008, the Secretary shall not take any com-
12 pliance, disallowance, penalty, or other action
13 against a student or an eligible institution when
14 such action arises out of such institution’s prior
15 award of student assistance under this title if the in-
16 stitution demonstrates to the satisfaction of the Sec-
17 retary that its course of instruction would have been
18 in conformance with the requirements of this sub-
19 section.”; and

20 (4) by adding at the end the following:

21 “(s) STUDENTS WITH INTELLECTUAL DISABIL-
22 ITIES.—Notwithstanding subsection (a), in order to re-
23 ceive any grant or work assistance under subparts 1 and
24 3 of part A and part C of this title, a student with an
25 intellectual disability shall—

1 “(1) be an individual with an intellectual dis-
2 ability whose mental retardation or other significant
3 cognitive impairment substantially impacts the indi-
4 vidual’s intellectual and cognitive functioning;

5 “(2)(A) be a student eligible for assistance
6 under the Individuals with Disabilities Education
7 Act who has completed secondary school; or

8 “(B) be an individual who is no longer eligible
9 for assistance under the Individuals with Disabilities
10 Education Act because the individual has exceeded
11 the maximum age for which the State provides a
12 free appropriate public education;

13 “(3) be enrolled or accepted for enrollment in
14 a comprehensive transition and postsecondary edu-
15 cation program that—

16 “(A) is designed for students with an intel-
17 lectual disability who are seeking to continue
18 academic, vocational, and independent living in-
19 struction at the institution in order to prepare
20 for gainful employment and independent living;

21 “(B) includes an advising and curriculum
22 structure; and

23 “(C) requires students to participate on at
24 least a half-time basis, as determined by the in-
25 stitution, including—

1 “(i) regular enrollment in courses of-
2 fered by the institution;

3 “(ii) auditing or participating in
4 courses offered by the institution for which
5 the student does not receive regular aca-
6 demic credit;

7 “(iii) enrollment in noncredit, non-
8 degree courses;

9 “(iv) participation in internships; or

10 “(v) a combination of 2 or more of
11 the activities described in clauses (i)
12 through (iv);

13 “(4) be maintaining satisfactory progress in the
14 program as determined by the institution, in accord-
15 ance with standards established by the institution;
16 and

17 “(5) meet the requirements of paragraphs (3),
18 (4), (5), and (6) of subsection (a).

19 “(t) DATA ANALYSIS ON ACCESS TO FEDERAL STU-
20 DENT AID FOR CERTAIN POPULATIONS.—

21 “(1) DEVELOPMENT OF THE SYSTEM.—Within
22 one year of enactment of the College Opportunity
23 and Affordability Act of 2007, the Secretary shall,
24 in consultation with the Central Processing System,
25 analyze data from the FAFSA containing informa-

1 tion regarding the number, characteristics, and cir-
2 cumstances of students denied federal student aid
3 based on a drug conviction while receiving federal
4 aid.

5 “(2) RESULTS FROM ANALYSIS.—The results
6 from the analysis of such information shall be made
7 available on a continuous basis via the Department
8 of Education website and the Digest of Education
9 and Statistics.

10 “(3) DATA UPDATING.—The data analyzed
11 under this subsection shall be updated at the begin-
12 ning of the award year and at least one additional
13 time during the specific award year.

14 “(4) REPORT TO CONGRESS.—The Secretary
15 shall prepare and submit to the authorizing commit-
16 tees of the Congress, in each fiscal year, a report de-
17 scribing the results obtained by the establishment
18 and operation of the data system authorized by this
19 subsection.”.

20 “(b) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on July 1, 2009.

22 **SEC. 486. ASSESSMENT OF COSTS AND OTHER CHARGES.**

23 Section 484A(b) (20 U.S.C. 1091a(b)) is amended—

24 (1) by striking “and” at the end of paragraph
25 (1);

1 (2) by striking the period at the end of para-
2 graph (2); and

3 (3) by adding at the end the following new
4 paragraph:

5 “(3) in collecting any obligation arising from a
6 loan made under part E of this title, an institution
7 of higher education that has an agreement with the
8 Secretary pursuant to section 463(a) shall not be
9 subject to a defense raised by any borrower based on
10 a claim of infancy.”.

11 **SEC. 487. INSTITUTIONAL AND FINANCIAL ASSISTANCE IN-**
12 **FORMATION FOR STUDENTS.**

13 (a) DISCLOSURE OF POLICIES AND SANCTIONS RE-
14 LATED TO COPYRIGHT INFRINGEMENT.—Section
15 485(a)(1) (20 U.S.C. 1092(a)(1)) is amended—

16 (1) by striking “and” at the end of subpara-
17 graph (N);

18 (2) by striking the period at the end of sub-
19 paragraph (O) and inserting “: and” ; and

20 (3) by adding at the end the following new sub-
21 paragraph:

22 “(P) institutional policies and sanctions re-
23 lated to copyright infringement, including—

24 “(i) an annual disclosure that explic-
25 itly informs students that unauthorized

1 distribution of copyrighted material, in-
2 cluding unauthorized peer-to-peer file shar-
3 ing, may subject the students to civil and
4 criminal liabilities;

5 “(ii) a summary of the penalties for
6 violation of Federal copyright laws;

7 “(iii) a description of the institution’s
8 policies with respect to unauthorized peer-
9 to-peer file sharing, including disciplinary
10 actions that are taken against students
11 who engage in unauthorized distribution of
12 copyrighted materials using the institu-
13 tion’s information technology system; and

14 “(iv) a description of actions that the
15 institution takes to prevent and detect un-
16 authorized distribution of copyrighted ma-
17 terial on the institution’s information tech-
18 nology system.”.

19 (b) CRIMINAL OFFENSES REPORTED.—Section
20 485(f)(1) (20 U.S.C. 1092(f)(1)) is amended—

21 (1) in the matter preceding subparagraph (A),
22 by inserting “, other than a foreign institution of
23 higher education,” after “under this title”; and

24 (2) in subparagraph (F)—

1 (A) by striking clause (i) and inserting the
2 following:

3 “(i) of the following criminal offenses
4 reported to campus security authorities or
5 local police agencies:

6 “(I) murder;

7 “(II) sex offenses, forcible or
8 nonforcible;

9 “(III) robbery;

10 “(IV) aggravated assault;

11 “(V) intimidation;

12 “(VI) burglary;

13 “(VII) larceny-theft;

14 “(VIII) motor vehicle theft;

15 “(IX) destruction, damage, or
16 vandalism of property;

17 “(X) simple assault;

18 “(XI) manslaughter;

19 “(XII) arson; and

20 “(XIII) arrests or persons re-
21 ferred for campus disciplinary action
22 for liquor law violations, drug-related
23 violations, and weapons possession;
24 and”;

1 (B) in clause (ii), by striking “of the
2 crimes described in subclauses (I) through
3 (VIII)” and inserting “for degree-granting in-
4 stitutions only, of the crimes described in sub-
5 clauses (I) through (XII)”.

6 (c) DISCLOSURE OF TRANSFER OF CREDIT POLI-
7 CIES; FIRE SAFETY.—Section 485 (20 U.S.C. 1092) is
8 amended by adding at the end the following new sub-
9 sections:

10 “(h) TRANSFER OF CREDIT POLICIES.—

11 “(1) DISCLOSURE.—Each institution of higher
12 education participating in any program under this
13 title shall publicly disclose in a readable and com-
14 prehensible manner the transfer of credit policies es-
15 tablished by the institution which shall include a
16 statement of the institution’s current transfer of
17 credit policies that includes, at a minimum—

18 “(A) any established criteria the institution
19 uses regarding the transfer of credit earned at
20 another institution of higher education; and

21 “(B) a list of institutions of higher edu-
22 cation with which the institution has established
23 an articulation agreement.

24 “(2) RULE OF CONSTRUCTION.—Nothing in
25 this subsection shall be construed to—

1 “(A) authorize the Secretary or the Na-
2 tional Advisory Committee on Institutional
3 Quality and Integrity to require particular poli-
4 cies, procedures, or practices by institutions of
5 higher education with respect to transfer of
6 credit;

7 “(B) authorize an officer or employee of
8 the Department to exercise any direction, su-
9 pervision, or control over the curriculum, pro-
10 gram of instruction, administration, or per-
11 sonnel of any institution of higher education, or
12 over any accrediting agency or association;

13 “(C) limit the application of the General
14 Education Provisions Act; or

15 “(D) create any legally enforceable right
16 on the part of a student to require an institu-
17 tion of higher education to accept a transfer of
18 credit from another institution.

19 “(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND
20 MEASURES.—

21 “(1) ANNUAL FIRE SAFETY REPORTS ON STU-
22 DENT HOUSING REQUIRED.—Each eligible institu-
23 tion participating in any program under this title
24 that maintains on-campus student housing facilities
25 shall, on an annual basis, publish a fire safety re-

1 port, which shall contain information with respect to
2 the campus fire safety practices and standards of
3 that institution, including—

4 “(A) statistics concerning the following in
5 each on-campus student housing facility during
6 the most recent calendar years for which data
7 are available—

8 “(i) the number of fires and the cause
9 of each fire;

10 “(ii) the number of injuries related to
11 a fire that result in treatment at a medical
12 facility;

13 “(iii) the number of deaths related to
14 a fire; and

15 “(iv) the value of property damage
16 caused by a fire;

17 “(B) a description of each on-campus stu-
18 dent housing facility fire safety system, includ-
19 ing the fire sprinkler system;

20 “(C) the number of regular mandatory su-
21 pervised fire drills;

22 “(D) policies or rules on portable electrical
23 appliances, smoking, and open flames (such as
24 candles), procedures for evacuation, and policies
25 regarding fire safety education and training

1 programs provided to students, faculty, and
2 staff; and

3 “(E) plans for future improvements in fire
4 safety, if determined necessary by such institu-
5 tion.

6 “(2) REPORT TO THE SECRETARY.—Each eligi-
7 ble institution participating in any program under
8 this title shall, on an annual basis submit to the Sec-
9 retary a copy of the statistics required to be made
10 available under subparagraph (A).

11 “(3) CURRENT INFORMATION TO CAMPUS COM-
12 MUNITY.—Each institution participating in any pro-
13 gram under this title shall—

14 “(A) make, keep, and maintain a log, re-
15 cording all fires in on-campus student housing
16 facilities, including the nature, date, time, and
17 general location of each fire; and

18 “(B) make annual reports to the campus
19 community on such fires.

20 “(4) RESPONSIBILITIES OF THE SECRETARY.—
21 The Secretary shall—

22 “(A) make such statistics submitted to the
23 Secretary available to the public; and

24 “(B) in coordination with nationally recog-
25 nized fire organizations and representatives of

1 institutions of higher education, representatives
2 of associations of institutions of higher edu-
3 cation, and other organizations that represent
4 and house a significant number of students—

5 “(i) identify exemplary fire safety
6 policies, procedures, programs, and prac-
7 tices;

8 “(ii) disseminate information to the
9 Administrator of the United States Fire
10 Administration;

11 “(iii) make available to the public in-
12 formation concerning those policies, proce-
13 dures, programs, and practices that have
14 proven effective in the reduction of fires;
15 and

16 “(iv) develop a protocol for institu-
17 tions to review the status of their fire safe-
18 ty systems.

19 “(5) RULES OF CONSTRUCTION.—Nothing in
20 this subsection shall be construed to—

21 “(A) authorize the Secretary to require
22 particular policies, procedures, programs, or
23 practices by institutions of higher education
24 with respect to fire safety, other than with re-
25 spect to the collection, reporting, and dissemi-

1 nation of information required by this sub-
2 section;

3 “(B) affect the Family Educational Rights
4 and Privacy Act of 1974 or the regulations
5 issued under section 264 of the Health Insur-
6 ance Portability and Accountability Act of 1996
7 (42 U.S.C. 1320d-2 note);

8 “(C) create a cause of action against any
9 institution of higher education or any employee
10 of such an institution for any civil liability; and

11 “(D) establish any standard of care.

12 “(6) COMPLIANCE REPORT.—The Secretary
13 shall annually report to the authorizing committees
14 regarding compliance with this subsection by institu-
15 tions of higher education, including an up-to-date re-
16 port on the Secretary’s monitoring of such compli-
17 ance.

18 “(7) EVIDENCE.—Notwithstanding any other
19 provision of law, evidence regarding compliance or
20 noncompliance with this subsection shall not be ad-
21 missible as evidence in any proceeding of any court,
22 agency, board, or other entity, except with respect to
23 an action to enforce this subsection.

24 “(8) RETALIATION PROHIBITED.—No partici-
25 pating institution or officer, employee, or agent of

1 the institution shall intimidate, threaten, coerce, or
2 otherwise discriminate against any individual for the
3 purpose of interfering with the implementation of
4 any provision of this subsection, or any rights or
5 privileges accorded under this subsection, or because
6 the individual has complained, testified, assisted, or
7 otherwise participated in any aspect of an investiga-
8 tion, proceeding, or hearing.”.

9 **SEC. 488. ARTICULATION AGREEMENTS.**

10 Part G of title IV is amended by inserting after sec-
11 tion 486 (20 U.S.C. 1093) the following new section

12 **“SEC. 486A. ARTICULATION AGREEMENTS.**

13 “(a) PROGRAM TO ENCOURAGE ARTICULATION
14 AGREEMENTS.—

15 “(1) PROGRAM REQUIREMENTS.—The Sec-
16 retary shall carry out a program for States, in co-
17 operation with institutions of higher education, to
18 develop, enhance, and implement comprehensive ar-
19 ticipation agreements among such institutions in a
20 State, and (to the extent practicable) across State
21 lines, by 2010. Such articulation agreements shall be
22 made widely and publicly available on the websites
23 of States and institutions, and on the application
24 materials of such institutions. In developing, enhanc-
25 ing, and implementing articulation agreements,

1 States and public institutions of higher education
2 may employ strategies, where applicable, including—

3 “(A) common course numbering;

4 “(B) a general education core curriculum;

5 “(C) developing or expanding articulation
6 agreements that include both public and private
7 institutions of higher education; and

8 “(D) other strategies identified by the Sec-
9 retary.

10 “(2) TECHNICAL ASSISTANCE PROVIDED.—The
11 Secretary shall provide technical assistance to States
12 and institutions of higher education for the purposes
13 of developing and implementing articulation agree-
14 ments in accordance with this subsection.

15 “(3) RULE OF CONSTRUCTION.—Nothing in
16 this subsection shall be construed to limit the aca-
17 demic freedom or choices of institutions of higher
18 education.

19 “(b) STUDY REQUIRED.—The Secretary shall con-
20 duct a study to review the articulation agreements at
21 State-based college and university systems, including jun-
22 ior or community colleges, as well as those at other institu-
23 tions of higher education, including private non-profit and
24 for-profit institutions. Such study shall consider—

1 “(1) the extent to which States and institutions
2 have developed and implemented articulation agree-
3 ments;

4 “(2) with respect to the articulation agreements
5 developed—

6 “(A) the number and types of institutions
7 participating the programs offered;

8 “(B) the cost-savings to the participating
9 institutions and to the students;

10 “(C) what strategies are being employed,
11 including common course numbering and gen-
12 eral education core curriculum;

13 “(D) the effective use of technologies to
14 contain costs, maintain quality of instruction,
15 and inform students; and

16 “(E) a description of the students to whom
17 the articulation agreements are offered and, to
18 the extent practicable, a description of the stu-
19 dents who take advantage of the articulation
20 agreements;

21 “(3) best practices and innovative strategies
22 employed to implement effective articulation agree-
23 ments; and

1 “(4) barriers to the implementation of articula-
2 tion agreements, including technological and infor-
3 mational barriers.

4 “(c) REPORT.—The Secretary shall submit to the au-
5 thorizing committees an interim report on the study re-
6 quired by this section not later than 2 years after the date
7 of enactment of the College Opportunity and Affordability
8 Act of 2007 and a final report on such study not later
9 than January 1, 2013.

10 “(d) DEFINITION.—In this section, the term ‘articu-
11 lation agreement’ means an agreement between institu-
12 tions of higher education that specifies the acceptability
13 of courses in transfer toward meeting specific degree re-
14 quirements.”.

15 **SEC. 489. PROGRAM PARTICIPATION AGREEMENTS.**

16 (a) ADDITIONAL REQUIREMENTS.—Section 487(a)
17 (20 U.S.C. 1094(a)) is amended—

18 (1) by adding at the end of paragraph (23) the
19 following new subparagraph:

20 “(D) The institution shall be considered in
21 compliance with the requirements of subpara-
22 graph (A) for each student to whom the institu-
23 tion electronically transmits a message con-
24 taining a voter registration form acceptable for
25 use in the State in which the institution is lo-

1 cated, or an Internet address where such a
2 form can be downloaded, provided such infor-
3 mation is in an electronic message devoted ex-
4 clusively to voter registration.”; and

5 (2) by adding at the end the following new
6 paragraphs:

7 “(24)(A) In the case of an institution (including
8 an officer (including a director or trustee), employee,
9 or agent of an institution) that has a preferred lend-
10 er arrangement, the institution will compile, main-
11 tain, and make available for students attending the
12 institution (or the parents of such students) a list,
13 in print or any other medium, of the specific lenders
14 for educational loans that the institution rec-
15 ommends, promotes, or endorses in accordance with
16 such preferred lender arrangement. In compiling,
17 maintaining, and making available such list, the in-
18 stitution will—

19 “(i) clearly and fully disclose on such list—

20 “(I) no less than the information re-
21 quired to be disclosed in the model disclo-
22 sure form, or updated model disclosure
23 form, required under section 153;

24 “(II) why the institution has entered
25 into a preferred lender arrangement with

1 each listed lender, particularly with respect
2 to terms and conditions favorable to the
3 borrower; and

4 “(III) that the students attending the
5 institution (or the parents of such stu-
6 dents) do not have to borrow from a listed
7 lender;

8 “(ii) ensure, through the use of the list
9 provided by the Secretary under subparagraph
10 (B), that—

11 “(I) there are not less than 3 lenders
12 of loans made under part B that are not
13 affiliates of each other included on such
14 list and, if the institution recommends,
15 promotes, or endorses private educational
16 loans, there are not less than 2 lenders of
17 private educational loans that are not af-
18 filiates of each other included on such list;

19 “(II) the list under this subpara-
20 graph—

21 “(aa) specifically indicates, for
22 each listed lender, whether the lender
23 is or is not an affiliate of each other
24 lender on the list; and

1 “(bb) if a lender is an affiliate of
2 another lender on the list, describes
3 the details of such affiliation;

4 “(iii) prominently disclose the method and
5 criteria used by the institution in selecting lend-
6 ers with which to enter into preferred lender ar-
7 rangements to ensure that such lenders are se-
8 lected on the basis of the benefits provided to
9 borrowers, including—

10 “(I) highly competitive interest rates,
11 terms, or conditions of Federal and private
12 educational loans;

13 “(II) high-quality servicing for such
14 loans; or

15 “(III) additional benefits beyond the
16 standard terms and conditions for such
17 loans;

18 “(iv) exercise a duty of care and a duty of
19 loyalty to compile the list under this subpara-
20 graph without prejudice and for the sole benefit
21 of the students attending the institution (or the
22 parents of such students);

23 “(v) not deny or otherwise impede the bor-
24 rower’s choice of a lender or cause unnecessary
25 delays in loan certification under this title for

1 those borrowers who choose a lender that has
2 not been recommended, promoted, or endorsed
3 by the institution; and

4 “(vi) comply with such other requirements
5 as the Secretary may prescribe by regulation.

6 “(B) The Secretary shall maintain and update
7 a list of lender affiliates of all eligible lenders, and
8 shall provide such list to the institutions for use in
9 carrying out subparagraph (A).

10 “(C) For the purposes of subparagraph (A)—

11 “(i) the term ‘affiliate’ means a person
12 that controls, is controlled by, or is under com-
13 mon control with another person;

14 “(ii) a person controls, is controlled by, or
15 is under common control with another person
16 if—

17 “(I) the person directly or indirectly,
18 or acting through 1 or more others, owns,
19 controls, or has the power to vote 5 per-
20 cent or more of any class of voting securi-
21 ties of such other person;

22 “(II) the person controls, in any man-
23 ner, the election of a majority of the direc-
24 tors or trustees of such other person; or

1 “(III) the Secretary determines (after
2 notice and opportunity for a hearing) that
3 the person directly or indirectly exercises a
4 controlling interest over the management
5 or policies of such other person;

6 “(iii) the term ‘preferred lender arrange-
7 ment’ has the meaning provided in section 151;

8 “(iv) the term ‘educational loans’ has the
9 meaning provided in section 151, except that
10 such term does not include loans under section
11 499(b) or under parts D or E of this title.

12 “(25) The institution will submit to the Sec-
13 retary annually, in such form as the Secretary may
14 prescribe, data on—

15 “(A) the number and percentage of stu-
16 dents taking classes in whole or in part on-line
17 or through distance education;

18 “(B) of such students, the number and
19 percentage of those taking their classes exclu-
20 sively on-line or through distance education;
21 and

22 “(C) the number and percentage of courses
23 offered by the institution that are offered on-
24 line or through distance education.”.

25 (b) REPORTS ON DISCIPLINARY PROCEEDINGS.—

1 (1) AMENDMENT.—Section 487(a) (20 U.S.C.
2 1094(a)) is further amended by adding after para-
3 graph (25), as added by subsection (a) of this sec-
4 tion, the following new paragraph:

5 “(26) The institution will disclose to the alleged
6 victim of any crime of violence (as that term is de-
7 fined in section 16 of title 18), or a nonforcible sex
8 offense, the final results of any disciplinary pro-
9 ceeding conducted by such institution against a stu-
10 dent who is the alleged perpetrator of such crime or
11 offense with respect to such crime or offense. If the
12 alleged victim of such crime or offense is deceased,
13 the next of kin of such victim shall be treated as the
14 alleged victim for purposes of this paragraph.”.

15 (2) EFFECTIVE DATE.—The amendment made
16 by paragraph (1) shall apply with respect to any dis-
17 ciplinary proceeding conducted by such institution
18 on or after one year after the date of enactment of
19 this Act.

20 (c) ENFORCING THE 90/10 RULE.—

21 (1) AMENDMENT.—Section 487(a) (20 U.S.C.
22 1094(a)) is further amended by adding at the end
23 the following new paragraph:

24 “(27) The institution will, as calculated in ac-
25 cordance with subsection (f)(1), have not less than

1 10 percent of its revenues from sources other than
2 funds provided under this title, or will be subject to
3 the sanctions described in subsection (f)(2).”.

4 (2) IMPLEMENTATION.—Section 487 is further
5 amended by adding at the end the following new
6 subsection:

7 “(f) IMPLEMENTATION OF NON-TITLE IV REVENUE
8 REQUIREMENT.—

9 “(1) CALCULATION.—In carrying out sub-
10 section (a)(27), an institution shall—

11 “(A) use the cash basis of accounting;

12 “(B) consider as revenue only those funds
13 generated by the institution from—

14 “(i) tuition, fees, and other institu-
15 tional charges for students enrolled in pro-
16 grams eligible for assistance under this
17 title; and

18 “(ii) activities conducted by the insti-
19 tution, to the extent not included in tui-
20 tion, fees, and other institutional charges,
21 that are necessary for the education or
22 training of its students who are enrolled in
23 programs eligible for assistance under this
24 title, if such activities are—

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1 “(I) conducted on campus or at a
2 facility under the the control of the
3 institution;

4 “(II) performed under the super-
5 vision of a member of the institution’s
6 faculty; and

7 “(III) required to be performed
8 by all students in a specific edu-
9 cational program at the institution;

10 “(C) presume that any title IV program
11 funds disbursed or delivered to or on behalf of
12 a student will be used to pay the student’s tui-
13 tion, fees, or other institutional charges, regard-
14 less of whether the institution credits those
15 funds to the student’s account or pays those
16 funds directly to the student, except to the ex-
17 tent that the student’s tuition, fees, or other in-
18 stitutional charges are satisfied by—

19 “(i) grant funds provided by non-Fed-
20 eral public agencies or private sources
21 independent of the institution;

22 “(ii) funds provided under a contrac-
23 tual arrangement with Federal, State, or
24 local government agencies for the purpose
25 of providing job training to low-income in-

1 dividuals who are in need of that training;
2 or

3 “(iii) funds used by a student from
4 savings plans for educational expenses es-
5 tablished by or on behalf of the student
6 and which qualify for special tax treatment
7 under the Internal Revenue Code of 1986,
8 provided that the institution can reason-
9 able demonstrate such funds were used to
10 pay the student’s tuition, fees, or other in-
11 stitutional charges;

12 “(D) include institutional aid as revenue to
13 the school only as follows:

14 “(i) in the case of institutional loans,
15 only the amount of loan repayments re-
16 ceived during the fiscal year; and

17 “(ii) in the case of institutional schol-
18 arships, only those provided by the institu-
19 tion in the form of monetary aid or tuition
20 discounts based upon the academic
21 achievements or financial need of students,
22 disbursed during the fiscal year from an
23 established restricted account, and only to
24 the extent that funds in that account rep-
25 resent designated funds from an outside

1 source or from income earned on those
2 funds;

3 “(E) exclude from revenues—

4 “(i) the amount of funds it received
5 under the Federal Work-Study program,
6 unless the institution used those funds to
7 pay a student’s institutional charges;

8 “(ii) the amount of funds it received
9 under the Leveraging Education Assist-
10 ance Partnership program;

11 “(iii) the amount of institutional
12 funds it used to match title IV program
13 funds;

14 “(iv) the amount of title IV program
15 funds that must be refunded or returned;
16 or

17 “(v) the amount charged for books,
18 supplies, and equipment unless the institu-
19 tion includes that amount as tuition, fees,
20 or other institutional charges.

21 “(2) SANCTIONS.—

22 “(A) An institution that fails to meet the
23 requirements of subsection (a)(27) for 2 con-
24 secutive fiscal years shall become ineligible to
25 participate in the programs authorized by this

1 title. To regain eligibility to participate in the
2 programs authorized by this title, an institution
3 that loses its eligibility as a sanction under this
4 subparagraph must demonstrate compliance
5 with all eligibility requirements for at least the
6 3 fiscal years following the fiscal year the insti-
7 tution became ineligible.

8 “(B) In addition to such other means of
9 enforcing the requirements of this title as may
10 be available to the Secretary, if an institution
11 fails to meet the requirements of subsection
12 (a)(27) in any fiscal year, the Secretary shall
13 impose sanctions on the institution, which shall
14 include—

15 “(i) placing the institution on provi-
16 sional certification in accordance with sec-
17 tion 498(h) until the institution dem-
18 onstrates, to the satisfaction of the Sec-
19 retary, that it is in compliance with sub-
20 section (a)(27);

21 “(ii) requiring the institution to pro-
22 vide to the Secretary satisfactory evidence
23 of its financial responsibility in accordance
24 with section 498(c)(3); and

1 “(iii) requiring such other increased
2 monitoring and reporting requirements as
3 the Secretary determines necessary until
4 the institution demonstrates, to the satis-
5 faction of the Secretary, that it is in com-
6 pliance with subsection (a)(27).

7 “(3) PUBLICATION ON COLLEGE NAVIGATOR
8 WEBSITE.—The Secretary shall publicly disclose the
9 identity of any institution that fails to meet the re-
10 quirements of subsection (a)(27) on the College Nav-
11 igator website.

12 “(4) REPORT TO CONGRESS.—The Secretary
13 shall annually submit to the authorizing committees
14 a report that contains, for each institution subject to
15 the requirement of subsection (a)(27), the result of
16 the calculation of revenue performed by each such
17 institution pursuant to such subsection and para-
18 graph (1) of this subsection.”.

19 (d) AUDITS; FINANCIAL RESPONSIBILITY; ENFORCE-
20 MENT OF STANDARDS.—Section 487(c)(1)(A) (20 U.S.C.
21 1094(c)(1)(A)) is amended—

22 (1) in clause (i)—

23 (A) by striking “clauses (ii) and (iii)” and
24 inserting “clauses (ii), (iii), and (iv)”; and

1 (B) by inserting before the semicolon at
2 the end the following: “, except that the Sec-
3 retary may modify the requirements of this
4 clause with respect to institutions of higher
5 education that are foreign institutions, and may
6 waive such requirements with respect to a for-
7 eign institution whose students receive less than
8 \$500,000 in loans under this title during the
9 award year preceding the audit period”;

10 (2) in clause (ii), by striking “or” after the
11 semicolon;

12 (3) in clause (iii), by inserting “or” after the
13 semicolon; and

14 (4) by inserting after clause (iii) the following
15 new clause:

16 “(iv) with respect to an eligible insti-
17 tution that is audited under clause (i), and
18 for which it is determined through such
19 audit that the percentage of students en-
20 rolled at the institution who were accepted
21 for enrollment and made eligible for stu-
22 dent financial assistance under this title by
23 way of section 484(d)(2) exceeds 5 percent
24 of the total enrollment of the institution
25 for such academic year, an additional re-

1 view to confirm that the institution is in
2 compliance with the regulations prescribed
3 by the Secretary under 484(d);”.

4 **SEC. 490. REGULATORY RELIEF AND IMPROVEMENT.**

5 Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

6 (1) in paragraph (1)—

7 (A) by striking “1998” and inserting
8 “2009” ; and

9 (B) by striking “1999” and inserting
10 “2009”; and

11 (2) by striking the matter preceding paragraph
12 (2)(A) and inserting the following:

13 “(2) REPORT.—The Secretary shall review and
14 evaluate the experience of institutions participating
15 as experimental sites and shall, on a biennial basis,
16 submit a report based on the review and evaluation
17 to the authorizing committees. Such report shall in-
18 clude—”; and

19 (3) in paragraph (3)—

20 (A) in subparagraph (A)—

21 (i) by striking “Upon the submission
22 of the report required by paragraph (2),
23 the” and inserting “The”; and

24 (ii) by inserting “periodically” after
25 “authorized to”;

1 (B) by striking subparagraph (B);
2 (C) by redesignating subparagraph (C) as
3 subparagraph (B); and
4 (D) in subparagraph (B) (as redesignated
5 by subparagraph (C))—

6 (i) by inserting “, including require-
7 ments related to the award process and
8 disbursement of student financial aid (such
9 as innovative delivery systems for modular
10 or compressed courses, or other innovative
11 systems), verification of student financial
12 aid application data, entrance and exit
13 interviews, or other management proce-
14 dures or processes as determined in the ne-
15 gotiated rulemaking process under section
16 492” after “requirements in this title”;

17 (ii) by inserting “(other than an
18 award rule related to an experiment in
19 modular or compressed schedules)” after
20 “award rules”; and

21 (iii) by inserting “unless the waiver of
22 such provisions is authorized by another
23 provision under this title” before the pe-
24 riod at the end.

1 **SEC. 491. ADVISORY COMMITTEE ON STUDENT FINANCIAL**
2 **ASSISTANCE.**

3 Section 491 (20 U.S.C. 1098) is amended—

4 (1) in subsection (a)(2)—

5 (A) in subparagraph (B), by striking
6 “and” after the semicolon;

7 (B) in subparagraph (C), by striking the
8 period at the end and inserting a semicolon;
9 and

10 (C) by adding at the end the following:

11 “(D) to provide knowledge and under-
12 standing of early intervention programs and
13 make recommendations that will result in early
14 awareness by low- and moderate-income stu-
15 dents and families of their eligibility for assist-
16 ance under this title, and, to the extent prac-
17 ticable, their eligibility for other forms of State
18 and institutional need-based student assistance;
19 and

20 “(E) to make recommendations that will
21 expand and improve partnerships among the
22 Federal Government, States, institutions, and
23 private entities to increase the awareness and
24 total amount of need-based student assistance
25 available to low- and moderate-income stu-
26 dents.”;

1 (2) in subsection (d)—

2 (A) in paragraph (6), by striking “, but
3 nothing in this section shall authorize the com-
4 mittee to perform such studies, surveys, or
5 analyses”;

6 (B) in paragraph (8), by striking “and”
7 after the semicolon;

8 (C) by redesignating paragraph (9) as
9 paragraph (10); and

10 (D) by inserting after paragraph (8) the
11 following:

12 “(9) monitor the adequacy of total need-based
13 aid available to low- and moderate-income students
14 from all sources, assess the implications for access
15 and persistence, and report those implications annu-
16 ally to Congress and the Secretary; and”;

17 (3) in subsection (j)(1)—

18 (A) by striking “including the implementa-
19 tion of a performance-based organization within
20 the Department, and report to Congress regard-
21 ing such modernization on not less than an an-
22 nual basis”; and

23 (B) by inserting “and simplification” after
24 the terms “delivery process”; and

1 (4) in subsection (k), by striking “2004” and
2 inserting “2011”.

3 **SEC. 492. NEGOTIATED RULEMAKING.**

4 Section 492(b)(1) (20 U.S.C. 1098a(b)(1)) is amend-
5 ed by striking “from individuals nominated by groups de-
6 scribed in subsection (a)(1)” and inserting “from individ-
7 uals who are nominated by groups described in subsection
8 (a)(1) and who have recognized legitimacy as designated
9 representatives of major stakeholders, sectors, and con-
10 stituencies in the higher education community”.

11 **SEC. 493. TECHNICAL AMENDMENT.**

12 Section 493C(b)(1) (20 U.S.C. 1098e(b)(1)) is
13 amended by striking “or is already in default”.

14 **SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.**

15 Part G of title IV (20 U.S.C. 1088 et seq.) is further
16 amended by adding at the end the following new section:

17 **“SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.**

18 “(a) IN GENERAL.—Each eligible institution partici-
19 pating in any program under this title shall to the extent
20 practicable—

21 “(1) make publicly available to their students
22 and employees, the policies and procedures related to
23 the illegal downloading and distribution of copy-
24 righted materials required to be disclosed under sec-
25 tion 485(a)(1)(P); and

1 “(2) develop a plan for offering alternatives to
2 illegal downloading or peer-to-peer distribution of in-
3 tellectual property as well as a plan to explore tech-
4 nology-based deterrents to prevent such illegal activ-
5 ity.

6 “(b) GRANTS.—

7 “(1) PROGRAM AUTHORITY.—The Secretary
8 may make grants to institutions of higher education,
9 or consortia of such institutions, and enter into con-
10 tracts with such institutions, consortia, and other or-
11 ganizations, to develop, implement, operate, improve,
12 and disseminate programs of prevention, education,
13 and cost-effective technological solutions, to reduce
14 and eliminate the illegal downloading and distribu-
15 tion of intellectual property. Such grants or con-
16 tracts may also be used for the support of a higher
17 education centers that will provide training, tech-
18 nical assistance, evaluation, dissemination, and asso-
19 ciated services and assistance to the higher edu-
20 cation community as determined by the Secretary
21 and institutions of higher education.

22 “(2) AWARDS.—Grants and contracts shall be
23 awarded under paragraph (1) on a competitive basis.

24 “(3) APPLICATIONS.—An institution of higher
25 education or a consortium of such institutions that

1 desires to receive a grant or contract under para-
2 graph (1) shall submit an application to the Sec-
3 retary at such time, in such manner, and containing
4 or accompanied by such information as the Sec-
5 retary may reasonably require by regulation.

6 “(4) AUTHORIZATION OF APPROPRIATIONS.—
7 There are authorized to be appropriated to carry out
8 this subsection such sums as may be necessary for
9 fiscal year 2009 and for each of the 4 succeeding fis-
10 cal years.”.

11 **PART H—PROGRAM INTEGRITY**

12 **SEC. 496. RECOGNITION OF ACCREDITING AGENCY OR AS-** 13 **SOCIATION.**

14 Section 496 (20 U.S.C. 1099b) is amended—

15 (1) in subsection (a)—

16 (A) by striking paragraph (4) and insert-
17 ing the following:

18 “(4) if such agency or association has or seeks
19 to include within its scope of recognition the evalua-
20 tion of the quality of institutions or programs offer-
21 ing distance education, such agency or association
22 shall, in addition to meeting the other requirements
23 of this subpart, demonstrate to the Secretary that—

24 “(A) the agency or association’s standards
25 effectively address the quality of an institution’s

1 distance education in the areas identified in sec-
2 tion 496(a)(5), except that the agency or asso-
3 ciation shall not be required to have separate
4 standards, procedures or policies for the evalua-
5 tion of distance education institutions or pro-
6 grams in order to meet the requirements of this
7 subparagraph; and

8 “(B) the agency or association requires an
9 institution that offers distance education to
10 have processes through which the institution es-
11 tablishes that the student who registers in a
12 distance education course or program is the
13 same student who participates in and completes
14 the program and receives the academic credit;”;

15 (B) in paragraph (5), by striking subpara-
16 graph (A) and inserting the following:

17 “(A) success with respect to student
18 achievement in relation to the institution’s mis-
19 sion, which may include different standards for
20 different institutions or programs, as estab-
21 lished by the institution, including, as appro-
22 priate, consideration of State licensing examina-
23 tions, course completion, and job placement
24 rates;”;

1 (C) by striking paragraph (6) and insert-
2 ing the following:

3 “(6) such an agency or association shall estab-
4 lish and apply review procedures throughout the ac-
5 crediting process, including evaluation and with-
6 drawal proceedings which comply with due process
7 procedures that provide for—

8 “(A) adequate specification of require-
9 ments and deficiencies at the institution of
10 higher education or program examined;

11 “(B) an opportunity for a written response
12 by any such institution to be included, prior to
13 final action, in the evaluation and withdrawal
14 proceedings;

15 “(C) upon the written request of an insti-
16 tution, an opportunity for the institution to ap-
17 peal any adverse action, including denial, with-
18 drawal, suspension, or termination of accredita-
19 tion, or placement on probation of an institu-
20 tion, at a hearing prior to such action becoming
21 final, before an appeals panel that—

22 “(i) shall not include current members
23 of the agency or association’s underlying
24 decision-making body that made the ad-
25 verse decision; and

1 “(ii) is subject to a conflict of interest
2 policy; and

3 “(D) the right to representation by counsel
4 for such an institution during an appeal of the
5 adverse action;” and

6 (D) by striking paragraph (8) and insert-
7 ing the following:

8 “(8) such agency or association shall make
9 available to the public and the State licensing or au-
10 thorizing agency, and submit to the Secretary, a
11 summary of agency or association actions, includ-
12 ing—

13 “(A) the award of accreditation or re-
14 accreditation of an institution;

15 “(B) final denial, withdrawal, suspension,
16 or termination of accreditation, or placement on
17 probation of an institution, and any findings
18 made in connection with the action taken, to-
19 gether with the official comments of the af-
20 fected institution; and

21 “(C) any other adverse action taken with
22 respect to an institution; and

23 “(9) confirms, as a part of the agency or asso-
24 ciation’s review for accreditation or reaccreditation,
25 that the institution has transfer of credit policies—

1 “(A) that are publicly disclosed; and

2 “(B) that include a statement of the cri-
3 teria established by the institution regarding
4 the transfer of credit earned at another institu-
5 tion of higher education.”;

6 (2) in subsection (c)—

7 (A) in paragraph (1), by inserting “, in-
8 cluding those regarding distance education”
9 after “their responsibilities”;

10 (B) by redesignating paragraphs (2)
11 through (6) as paragraphs (5) through (9);

12 (C) by inserting after paragraph (1) (as
13 amended by subparagraph (A)) the following:

14 “(2) ensures that the agency or association’s
15 on-site evaluation for accreditation or reaccreditation
16 includes review of the Federally required information
17 the institution or program provides its current and
18 prospective students;

19 “(3) monitors the growth of programs at insti-
20 tutions that are experiencing significant enrollment
21 growth;

22 “(4) requires an institution to submit a teach-
23 out plan for approval to the accrediting agency upon
24 the occurrence of any of the following events:

1 “(A) The Department notifies the accred-
2 iting agency of an action against the institution
3 pursuant to section 487(d).

4 “(B) The accrediting agency acts to with-
5 draw, terminate, or suspend the accreditation of
6 an institution.

7 “(C) The institution notifies the accred-
8 iting agency that the institution intends to
9 cease operations.”;

10 (D) in paragraph (8) (as redesignated by
11 subparagraph (B)), by striking “and” after the
12 semicolon;

13 (E) in subparagraph (9) (as redesignated
14 by subparagraph (B)), by striking the period
15 and inserting “; and”; and

16 (F) by adding at the end the following:

17 “(10) confirms, as a part of the agency or asso-
18 ciation’s review for accreditation or reaccreditation,
19 that the institution has transfer of credit policies—

20 “(A) that are publicly disclosed; and

21 “(B) that include a statement of the cri-
22 teria established by the institution regarding
23 the transfer of credit earned at another institu-
24 tion of higher education.”;

1 (3) in subsection (g), by adding at the end the
2 following: “Nothing in this section shall be construed
3 to permit the Secretary to establish any criteria that
4 specifies, defines, or prescribes the standards that
5 accrediting agencies or associations shall use to as-
6 sess any institution’s success with respect to student
7 achievement.”; and

8 (4) in subsection (o), by adding at the end the
9 following: “Notwithstanding any other provision of
10 law, the Secretary shall not promulgate any regula-
11 tion with respect to subsection (a)(5).”.

12 **SEC. 497. ACCREDITATION OMBUDSMAN.**

13 Subpart 2 of part H of title IV is amended by insert-
14 ing after section 496 (20 U.S.C. 1099b) the following new
15 section:

16 **“SEC. 497. ACCREDITATION OMBUDSMAN.**

17 “(a) APPOINTMENT.—The Assistant Secretary for
18 Postsecondary Education, in consultation with the Sec-
19 retary, shall appoint an Accreditation Ombudsman to pro-
20 vide timely assistance to institutions of higher education,
21 accrediting agencies and associations, and other partici-
22 pants in the accreditation process who may have griev-
23 ances related to the functions described in subsection (c).

24 “(b) PUBLIC INFORMATION.—The Assistant Sec-
25 retary for Postsecondary Education shall disseminate in-

1 formation about the availability and functions of the Om-
2 budsman to institutions of higher education, accrediting
3 agencies and associations, and other participants in the
4 accreditation process.

5 “(c) FUNCTIONS OF OMBUDSMAN.—The Ombuds-
6 man appointed under this section shall—

7 “(1) in accordance with regulations of the Sec-
8 retary, receive, review, and attempt to resolve com-
9 plaints from institutions of higher education, accred-
10 iting agencies and associations, and other partici-
11 pants in the accreditation process described in sub-
12 section (a), including, as appropriate, attempts to
13 resolve such complaints within the Department of
14 Education and with institutions of higher education,
15 accreditation agencies and associations, and other
16 participants in title IV programs; and

17 “(2) compile and analyze data on institutions of
18 higher education and accrediting agency and associa-
19 tion complaints and make appropriate recommenda-
20 tions.

21 “(d) REPORT.—Each year, the Ombudsman shall
22 submit a report to the Assistant Secretary for Postsec-
23 ondary Education, for inclusion in the annual report under
24 section 114, that describes the activities, and evaluates the

1 effectiveness of the Ombudsman during the preceding
2 year.”.

3 **SEC. 498. PROGRAM REVIEW AND DATA.**

4 Section 498A(b) (20 U.S.C. 1099e–1(b)) is amend-
5 ed—

6 (1) by striking “and” at the end of paragraph
7 (4);

8 (2) by striking the period at the end of para-
9 graph (5) and inserting a semicolon; and

10 (3) by adding at the end the following new
11 paragraphs:

12 “(6) provide the institution adequate oppor-
13 tunity to review and respond to any program review
14 report or audit finding before any final program re-
15 view or audit determination is reached, including ac-
16 cess to any and all workpapers, notes, documenta-
17 tion, records, or other information relating to the
18 program review report or audit finding;

19 “(7) review and take into consideration the in-
20 stitution’s response in any final program review or
21 audit determination, and include in the final deter-
22 mination a written statement addressing the institu-
23 tion’s response and stating the basis for such final
24 determination, and a copy of the institution’s re-
25 sponse; and

1 “(8) maintain and preserve at all times the con-
2 fidentiality of any program review report until the
3 requirements of paragraphs (6) and (7) are met, and
4 until a final program review determination has been
5 issued.”.

6 **SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM**
7 **EVALUATION.**

8 Section 499 (as added by section 701 of the College
9 Cost Reduction and Access Act of 2007) is amended by
10 adding at the end the following new subsections:

11 “(c) **REQUIRED INITIAL EVALUATION.**—The Sec-
12 retary and Secretary of the Treasury shall jointly conduct
13 an evaluation, in consultation with the Office of Manage-
14 ment and Budget, the Congressional Budget Office, and
15 the Comptroller General, of the pilot program carried out
16 by the Secretary under this section. The evaluation shall
17 determine—

18 “(1) the extent of the savings to the Federal
19 Government that are generated through the pilot
20 program, compared to the cost the Federal Govern-
21 ment would have incurred in operating the PLUS
22 loan program under section 428B in the absence of
23 the pilot program;

24 “(2) the number of lenders that participated in
25 the pilot program, and the extent to which the pilot

1 program generated competition among lenders to
2 participate in the auctions under the pilot program;

3 “(3) the number and volume of loans made
4 under the pilot in each State;

5 “(4) the effect of the transition to and oper-
6 ation of the pilot program on the ability of—

7 “(A) lenders participating in the pilot pro-
8 gram to originate loans made through the pilot
9 program smoothly and efficiently;

10 “(B) institutions of higher education par-
11 ticipating in the pilot program to disburse loans
12 made through the pilot program smoothly and
13 efficiently; and

14 “(C) parents to obtain loans made through
15 the pilot program in a timely and efficient man-
16 ner;

17 “(5) the differential impact, if any, of the auc-
18 tion among the States, including between rural and
19 non-rural States;

20 “(6) the feasibility of using the mechanism pi-
21 loted to operate the other loan programs under part
22 B of this title; and

23 “(7) the feasibility of using other market mech-
24 anisms to operate the loan programs under part B
25 of this title, including the sale of securities backed

1 by federally-owned student loan assets originated by
2 banks acting as agents of the Federal Government.

3 “(d) REPORTS.—The Secretary and the Secretary of
4 the Treasury shall submit to the authorizing committees—

5 “(1) not later than September 1, 2010, a pre-
6 liminary report regarding the findings of the evalua-
7 tion described in subsection (c);

8 “(2) not later than September 1, 2012, an in-
9 terim report regarding such findings; and

10 “(3) not later than September 1, 2013, a final
11 report regarding such findings.”.

12 **TITLE V—TITLE V AMENDMENTS**

13 **SEC. 501. POSTBACCALAUREATE OPPORTUNITIES FOR HIS-** 14 **PANIC AMERICANS.**

15 (a) ESTABLISHMENT OF PROGRAM.—Title V is
16 amended—

17 (1) by redesignating part B as part C;

18 (2) by redesignating sections 511 through 518
19 as sections 521 through 528, respectively; and

20 (3) by inserting after section 505 (20 U.S.C.
21 1101d) the following new part:

22 **“PART B—PROMOTING POSTBACCALAUREATE** 23 **OPPORTUNITIES FOR HISPANIC AMERICANS**

24 **“SEC. 511. PURPOSES.**

25 “The purposes of this part are—

1 “(1) to expand postbaccalaureate educational
2 opportunities for, and improve the academic attain-
3 ment of, Hispanic students; and

4 “(2) to expand the postbaccalaureate academic
5 offerings and enhance the program quality in the in-
6 stitutions that are educating the majority of His-
7 panic college students and helping large numbers of
8 Hispanic and low-income students complete postsec-
9 ondary degrees.

10 **“SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.**

11 “(a) PROGRAM AUTHORIZED.—Subject to the avail-
12 ability of funds appropriated to carry out this part, the
13 Secretary shall award competitive grants to Hispanic-serv-
14 ing institutions determined by the Secretary to be making
15 substantive contributions to graduate educational opportu-
16 nities for Hispanic students.

17 “(b) ELIGIBILITY.—For the purposes of this part, an
18 ‘eligible institution’ means an institution of higher edu-
19 cation that—

20 “(1) is an eligible institution under section
21 502(a)(2); and

22 “(2) offers a postbaccalaureate certificate or de-
23 gree granting program.

1 **“SEC. 513. AUTHORIZED ACTIVITIES.**

2 “Grants awarded under this part shall be used for
3 one or more of the following activities:

4 “(1) Purchase, rental, or lease of scientific or
5 laboratory equipment for educational purposes, in-
6 cluding instructional and research purposes.

7 “(2) Construction, maintenance, renovation,
8 and improvement of classrooms, libraries, labora-
9 tories, and other instructional facilities, including
10 purchase or rental of telecommunications technology
11 equipment or services.

12 “(3) Purchase of library books, periodicals,
13 technical and other scientific journals, microfilm,
14 microfiche, and other educational materials, includ-
15 ing telecommunications program materials.

16 “(4) Support for needy postbaccalaureate stu-
17 dents including outreach, academic support services,
18 mentoring, scholarships, fellowships, and other fi-
19 nancial assistance to permit the enrollment of such
20 students in postbaccalaureate certificate and degree
21 granting programs.

22 “(5) Support of faculty exchanges, faculty de-
23 velopment, faculty research, curriculum development,
24 and academic instruction.

25 “(6) Creating or improving facilities for Inter-
26 net or other distance learning academic instruction

1 capabilities, including purchase or rental of tele-
2 communications technology equipment or services.

3 “(7) Collaboration with other institutions of
4 higher education to expand postbaccalaureate certifi-
5 cate and degree offerings.

6 “(8) Other activities proposed in the application
7 submitted pursuant to section 514 that—

8 “(A) contribute to carrying out the pur-
9 poses of this part; and

10 “(B) are approved by the Secretary as part
11 of the review and acceptance of such applica-
12 tion.

13 **“SEC. 514. APPLICATION AND DURATION.**

14 “(a) APPLICATION.—Any eligible institution may
15 apply for a grant under this part by submitting an applica-
16 tion to the Secretary at such time and in such manner
17 as determined by the Secretary. Such application shall
18 demonstrate how the grant funds will be used to improve
19 postbaccalaureate education opportunities in programs
20 and professions in which Hispanic Americans are under-
21 represented.

22 “(b) DURATION.—Grants under this part shall be
23 awarded for a period not to exceed 5 years.

1 “(c) LIMITATION.—The Secretary shall not award
2 more than one grant under this part in any fiscal year
3 to any Hispanic-serving institution.”.

4 (b) COOPERATIVE ARRANGEMENTS.—Section 524(a)
5 (as redesignated by subsection (a)(2)) (20 U.S.C.
6 1103c(a)) is amended by inserting “and section 513” after
7 “section 503”.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—Sub-
9 section (a) of section 528 (as redesignated by subsection
10 (a)(2) of this section) (20 U.S.C. 1103g) is amended to
11 read as follows:

12 “(a) AUTHORIZATIONS.—

13 “(1) PART A.—There are authorized to be ap-
14 propriated to carry out part A and part C of this
15 title \$175,000,000 for fiscal year 2009 and such
16 sums as may be necessary for each of the 4 suc-
17 ceeding fiscal years.

18 “(2) PART B.—There are authorized to be ap-
19 propriated to carry out part B of this title
20 \$125,000,000 for fiscal year 2009 and such sums as
21 may be necessary for each of the 4 succeeding fiscal
22 years.”.

23 (d) MINIMUM GRANT AMOUNT.—Section 528 (20
24 U.S.C. 1103g) is amended by adding at the end the fol-
25 lowing:

1 “(c) MINIMUM GRANT AMOUNT.—The minimum
2 amount of a grant under this title shall be \$200,000.”.

3 (e) PART A AUTHORIZED USES OF FUNDS.—Section
4 503(b) (20 U.S.C. 1101b(b)) is amended—

5 (1) by redesignating paragraph (14) as para-
6 graph (15); and

7 (2) by inserting after paragraph (13) the fol-
8 lowing new paragraph:

9 “(14) Providing education or financial informa-
10 tion designed to improve the financial literacy and
11 economic literacy of students or the students’ par-
12 ents, especially with regard to student indebtedness
13 and student assistance programs under the title
14 IV.”.

15 **TITLE VI—TITLE VI** 16 **AMENDMENTS**

17 **SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUD-**
18 **IES.**

19 (a) FINDINGS AND PURPOSES.—Section 601 (20
20 U.S.C. 1121) is amended—

21 (1) in subsection (a)(3), by striking “post-Cold
22 War”;

23 (2) in subsection (b)(1)—

24 (A) by striking “; and” at the end of sub-
25 paragraph (D) and inserting “, including

1 through linkages overseas with institutions of
2 higher education and relevant organizations
3 that contribute to the educational programs as-
4 sisted under this part;” and

5 (B) by inserting “and” after the semicolon
6 at the end of subparagraph (E); and

7 (3) in subsection (b)(3) by inserting “, and
8 international business and trade competitiveness”
9 before the period.

10 (b) GRADUATE AND UNDERGRADUATE LANGUAGE
11 AND AREA CENTERS AND PROGRAMS.—Section 602(a)
12 (20 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 high-
17 er education or consortia of such institutions
18 for the purpose of establishing, strengthening,
19 and operating—

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
7 subparagraph (H) and inserting a semicolon;
8 and

9 (C) by inserting after subparagraph (H)
10 the following new subparagraphs:

11 “(I) supporting instructors of the less com-
12 monly taught languages; and

13 “(J) projects that support in students an
14 understanding of science and technology in co-
15 ordination with foreign language proficiency.”;
16 and

17 (3) in paragraph (4)—

18 (A) by amending subparagraph (B) to read
19 as follows:

20 “(B) Partnerships or programs of linkage
21 and outreach with 2-year and 4-year colleges
22 and universities, including colleges of education
23 and teacher professional development pro-
24 grams.”;

1 (B) in subparagraph (C), by striking “Pro-
2 grams of linkage or outreach” and inserting
3 “Partnerships or programs of linkage and out-
4 reach”;

5 (C) in subparagraph (E)—

6 (i) by striking “foreign area” and in-
7 serting “area studies”;

8 (ii) by striking “of linkage and out-
9 reach”; and

10 (iii) by striking “(C), and (D)” and
11 inserting “(D), and (E)”;

12 (D) by redesignating subparagraphs (C),
13 (D), and (E) as subparagraphs (D), (E), and
14 (F), respectively; and

15 (E) by inserting after subparagraph (B)
16 the following new subparagraph:

17 “(C) Partnerships with local educational
18 agencies and public and private elementary and
19 secondary education schools that are designed
20 to increase student academic achievement in
21 foreign language and knowledge of world re-
22 gions, and to facilitate the wide dissemination
23 of materials related to area studies.”.

1 (c) FELLOWSHIPS FOR FOREIGN LANGUAGE AND
2 AREA OR INTERNATIONAL STUDIES.—Section 602(b) (20
3 U.S.C. 1122(b)) is amended—

4 (1) by inserting “AND UNDERGRADUATE” after
5 “GRADUATE” in the subsection heading; and

6 (2) by striking paragraph (2) and inserting the
7 following:

8 “(2) ELIGIBLE STUDENTS.—A student receiv-
9 ing a stipend described in paragraph (1) shall be en-
10 gaged—

11 “(A) in an instructional program with stat-
12 ed performance goals for functional foreign lan-
13 guage use or in a program developing such per-
14 formance goals, in combination with area stud-
15 ies, international studies, or the international
16 aspects of a professional studies program, in-
17 cluding predissertation level studies, prepara-
18 tion for dissertation research, dissertation re-
19 search abroad, and dissertation writing; and

20 “(B) in the case of graduate fellowships,
21 activities in connection with a program de-
22 scribed in the preceding subparagraph may in-
23 clude predissertation level studies, preparation
24 for dissertation research, dissertation research
25 abroad, and dissertation writing; or

1 “(C) in the case of undergraduate fellow-
2 ships, students may be allowed to use their fel-
3 lowships abroad for intermediate or advanced
4 study of a less commonly taught language.”.

5 (d) LANGUAGE RESOURCE CENTERS.—Section
6 603(e) (20 U.S.C. 1123(e)) is amended by inserting “re-
7 fleet the purposes of this part and” after “shall”.

8 (e) UNDERGRADUATE INTERNATIONAL STUDIES AND
9 FOREIGN LANGUAGE PROGRAMS.—Section 604 (20
10 U.S.C. 1124) is amended—

11 (1) in subsection (a)(1), by striking “combina-
12 tions” each place it appears and inserting “con-
13 sortia”;

14 (2) in subsection (a)(2)—

15 (A) in subparagraph (B)(ii), by striking
16 “teacher training” and inserting “teacher pro-
17 fessional development”;

18 (B) by redesignating subparagraphs (I)
19 through (M) as subparagraphs (J) through (N),
20 respectively;

21 (C) by inserting after subparagraph (H)
22 the following new subparagraph:

23 “(I) the provision of grants for educational
24 programs abroad that are closely linked to the
25 program’s overall goals and have the purpose of

1 promoting foreign language fluency and knowl-
2 edge of world regions, except that not more
3 than 10 percent of a grant recipient's funds
4 may be used for this purpose;"; and

5 (D) in subparagraph (M)(ii) (as redesign-
6 nated by subparagraph (B) of this paragraph),
7 by striking "elementary and secondary edu-
8 cation institutions" and inserting "local edu-
9 cational agencies and public and private ele-
10 mentary and secondary education schools";

11 (3) in subsection (a)(4)(B), by inserting "that
12 demonstrates a need for a waiver or reduction" be-
13 fore the period at the end;

14 (4) in subsection (a)(6), by inserting "reflect
15 the purposes of this part and" after "shall";

16 (5) in subsection (a)(8), by striking "may" and
17 inserting "shall"; and

18 (6) by striking subsection (c).

19 (f) RESEARCH; STUDIES; ANNUAL REPORT.—Section
20 605(a) (20 U.S.C. 1125(a)) is amended by inserting be-
21 fore the period at the end of the first sentence the fol-
22 lowing: ", including the systematic collection, analysis, and
23 dissemination of data".

1 (g) TECHNOLOGICAL INNOVATION AND COOPERA-
2 TION FOR FOREIGN INFORMATION ACCESS.—Section 606
3 (20 U.S.C. 1126) is amended—

4 (1) in subsection (a)—

5 (A) by striking “or consortia of such insti-
6 tutions or libraries” and inserting “or partner-
7 ships between such institutions or libraries and
8 nonprofit educational organizations including
9 museums”;

10 (B) by striking “new”; and

11 (C) by inserting “from foreign sources”
12 after “disseminate information”;

13 (2) in subsection (b)—

14 (A) by inserting “acquire and” before “fa-
15 cilitate access” in paragraph (1);

16 (B) by striking “new means of” in para-
17 graph (3) and inserting “new means and stand-
18 ards for”;

19 (C) by striking “and” at the end of para-
20 graph (6);

21 (D) by striking the period at the end of
22 paragraph (7) and by inserting a semicolon;
23 and

24 (E) by inserting after paragraph (7) the
25 following new paragraphs:

1 “(8) to establish linkages between grant recipi-
2 ents under subsection (a) with libraries, museums,
3 organizations, or institutions of higher education lo-
4 cated overseas to facilitate carrying out the purposes
5 of this section; and

6 “(9) to carry out other activities deemed by the
7 Secretary to be consistent with the purposes of this
8 section.”; and

9 (3) by adding at the end the following new sub-
10 section:

11 “(e) SPECIAL RULE.—The Secretary may waive or
12 reduce the required non-Federal share for institutions
13 that—

14 “(1) are eligible to receive assistance under part
15 A or B of title III or under title V; and

16 “(2) have submitted a grant application under
17 this section that demonstrates a need for a waiver
18 or reduction.”.

19 (h) SELECTION OF GRANT RECIPIENTS.—Section
20 607(b) (20 U.S.C. 1127(b)) is amended—

21 (1) by striking “objectives” and inserting “mis-
22 sions”; and

23 (2) by adding at the end the following new sen-
24 tence: “In keeping with the purposes of this part,
25 the Secretary shall take into account the degree to

1 which activities of centers, programs, and fellowships
2 at institutions of higher education address national
3 needs, generate and disseminate information, and
4 foster debate on international issues.”.

5 (i) **EQUITABLE DISTRIBUTION.**—Section 608(a) (20
6 U.S.C. 1128(a)) is amended by adding at the end the fol-
7 lowing new sentence: “Grants made under section 602
8 shall also reflect the purposes of this part.”.

9 (j) **AUTHORIZATION OF APPROPRIATIONS.**—Section
10 610 (20 U.S.C. 1128b) is amended by striking “1999”
11 and inserting “2009”.

12 (k) **CONFORMING AMENDMENTS.**—

13 (1) Sections 603(a), 604(a)(5), and 612 (20
14 U.S.C. 1123(a), 1124(a)(5), 1130–1) are each
15 amended by striking “combinations” each place it
16 appears and inserting “consortia”.

17 (2) Section 612 (20 U.S.C. 1130–1) is amended
18 by striking “combination” each place it appears and
19 inserting “consortium”.

20 **SEC. 602. BUSINESS AND INTERNATIONAL EDUCATION PRO-**
21 **GRAMS.**

22 (a) **CENTERS FOR INTERNATIONAL BUSINESS EDU-**
23 **CATION.**—Section 612 (20 U.S.C. 1130–1) is amended—

1 (1) in subsection (a)(1)(C), by inserting “manu-
2 facturing software systems, technology manage-
3 ment,” after “commerce,”;

4 (2) in subsection (c)(1)(D), by inserting “(in-
5 cluding those that are eligible to receive assistance
6 under part A or B of title III or under title V)”
7 after “other institutions of higher education”;

8 (3) by amending paragraph (2)(A) of subsection
9 (c) to read as follows: and

10 “(A) programs encouraging the advance-
11 ment and understanding of cultural, techno-
12 logical management, and manufacturing soft-
13 ware systems practices between institutions of
14 higher education in the United States and
15 countries with existing partnerships with for-
16 eign countries, including those in Asian coun-
17 tries focused on this industry;”;

18 (4) in subsection (e), by adding at the end the
19 following new paragraph:

20 “(5) SPECIAL RULE.—The Secretary may waive
21 or reduce the required non-Federal share for institu-
22 tions that—

23 “(A) are eligible to receive assistance
24 under part A or B of title III or under title V;
25 and

1 “(B) have submitted a grant application
2 under this section that demonstrates a need for
3 a waiver or reduction, as determined by the
4 Secretary.”.

5 (b) EDUCATION AND TRAINING PROGRAMS.—Section
6 613 (20 U.S.C. 1130a) is amended by adding at the end
7 the following new subsection:

8 “(e) SPECIAL RULE.—The Secretary may waive or
9 reduce the required non-Federal share for institutions
10 that—

11 “(1) are eligible to receive assistance under part
12 A or B of title III or under title V; and

13 “(2) have submitted a grant application under
14 this section that demonstrates a need for a waiver
15 or reduction, as determined by the Secretary.”.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
17 614 (20 U.S.C. 1130b) is amended by striking “1999”
18 each place it appears and inserting “2009”.

19 **SEC. 603. INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.**

20 (a) FOREIGN SERVICE PROFESSIONAL DEVELOP-
21 MENT.—Section 621 (20 U.S.C. 1131) is amended—

22 (1) by striking the heading of such section and
23 inserting the following:

1 **“SEC. 621. PROGRAM FOR FOREIGN SERVICE PROFES-**
2 **SIONALS.”;**

3 (2) by striking the second sentence of sub-
4 section (a) and inserting the following: “The Insti-
5 tute shall conduct a program to enhance the inter-
6 national competitiveness of the United States by in-
7 creasing the participation of underrepresented popu-
8 lations in the international service, including private
9 international voluntary organizations and the foreign
10 service of the United States.”; and

11 (3) in subsection (b)(1), by striking subpara-
12 graphs (A) and (B) and inserting the following:

13 “(A) A Tribally Controlled College or Uni-
14 versity or Alaska Native or Native Hawaiian-
15 serving institution eligible for assistance under
16 title III, an institution eligible for assistance
17 under part B of title III, or a Hispanic-serving
18 institution eligible for assistance under title V.

19 “(B) An institution of higher education
20 which serves substantial numbers of underrep-
21 resented students.”.

22 (b) INSTITUTIONAL DEVELOPMENT.—Section 622
23 (20 U.S.C. 1131–1) is amended by inserting before the
24 period at the end of subsection (a) the following: “and pro-
25 mote collaboration with colleges and universities that re-
26 ceive funds under this title”.

1 (c) STUDY ABROAD PROGRAM.—Section 623(a) (20
2 U.S.C. 1131a(a)) is amended by inserting after “1978,”
3 the following: “Alaska Native-serving, Native Hawaiian-
4 serving, and Hispanic-serving institutions,”.

5 (d) ADVANCED DEGREE IN INTERNATIONAL RELA-
6 TIONS.—Section 624 (20 U.S.C. 1131b) is amended—

7 (1) by striking “**MASTERS**” in the heading of
8 such section and inserting “**ADVANCED**”;

9 (2) by striking “a masters degree in inter-
10 national relations” and inserting “an advanced de-
11 gree in international relations, international affairs,
12 international economics, or other academic areas re-
13 lated to the Institute fellow’s career objectives”; and

14 (3) by striking “The masters degree program
15 designed by the consortia” and inserting “The ad-
16 vanced degree study program shall be designed by
17 the consortia, consistent with the fellow’s career ob-
18 jectives, and”.

19 (e) INTERNSHIPS.—Section 625 (20 U.S.C. 1131c)
20 is amended—

21 (1) in subsection (a), by inserting after “1978,”
22 the following: “Alaska Native-serving, Native Hawai-
23 ian-serving, and Hispanic-serving institutions,”;

24 (2) in subsection (b)—

1 (A) by inserting “and” after the semicolon
2 at the end of paragraph (2);

3 (B) by striking “; and” at the end of para-
4 graph (3) and inserting a period; and

5 (C) by striking paragraph (4); and

6 (3) by amending subsection (c) to read as fol-
7 lows:

8 “(c) RALPH J. BUNCHE FELLOWS.—In order to as-
9 sure the recognition and commitment of individuals from
10 underrepresented student populations who demonstrate
11 special interest in international affairs and language
12 study, eligible students who participate in the internship
13 programs authorized under (a) and (b) shall be known as
14 the ‘Ralph J. Bunche Fellows’.”

15 (f) REPORT.—Section 626 (20 U.S.C. 1131d) is
16 amended by striking “annually prepare a report” and in-
17 serting “prepare a report biennially”.

18 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
19 628 (20 U.S.C. 1131f) is amended by striking “1999” and
20 inserting “2009”.

21 **SEC. 604. PREPARING FOR EARLY FOREIGN LANGUAGE IN-**
22 **STRUCTION.**

23 Title VI (20 U.S.C. 1121 et seq.) is amended—

24 (1) by redesignating part D as part E;

1 (2) by redesignating section 631 (20 U.S.C.
2 1132) as section 641; and

3 (3) by inserting after section 628 the following
4 new part:

5 **“PART D—PREPARING FOR EARLY FOREIGN**
6 **LANGUAGE INSTRUCTION**

7 **“SEC. 631. PREPARING FOR EARLY FOREIGN LANGUAGE IN-**
8 **STRUCTION.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) ELIGIBLE PARTNERSHIP.—The term ‘eligi-
11 ble partnership’ means a partnership that—

12 “(A) shall include—

13 “(i) a foreign language department of
14 an institution of higher education; and

15 “(ii) a local educational agency; and

16 “(B) may include—

17 “(i) another foreign language or
18 teacher education department of an insti-
19 tution of higher education;

20 “(ii) another local educational agency,
21 or an elementary or secondary school;

22 “(iii) a business;

23 “(iv) a nonprofit organization of dem-
24 onstrated effectiveness, including a mu-
25 seum;

1 “(v) heritage or community centers
2 for language study;

3 “(vi) language resource centers; or

4 “(vii) the State foreign language coor-
5 dinator or State educational agency.

6 “(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-
7 CY.—The term ‘high-need local educational agency’
8 has the meaning given the term in section 2102 of
9 the Elementary and Secondary Education Act of
10 1965 (20 U.S.C. 6602).

11 “(3) CRITICAL FOREIGN LANGUAGES.—The
12 term ‘critical foreign languages’ means each of the
13 languages contained in the list of critical languages
14 designated by the Secretary in the Federal Register
15 on August 2, 1985 (50 Fed. Reg. 149 31413; en-
16 acted under the authority of section 212(d) of the
17 Education for Economic Art (repealed by section
18 2303 of the Augustus F. Hawkins - Robert T. Staf-
19 ford Elementary and Secondary School Improvement
20 Amendments of 1988), except that in the implemen-
21 tation of this definition with respect to this subpart
22 the Secretary may set priorities according to the
23 purposes of such subpart and the national security,
24 economic competitiveness, and educational needs of
25 the United States.

1 “(4) ARTICULATED.—The term ‘articulated’
2 means that each grade level of the foreign language
3 program is designed to sequentially expand on the
4 student achievement of the previous level with a goal
5 toward achieving an established level of language
6 proficiency.

7 “(b) PURPOSE.—The purpose of this section is to im-
8 prove the performance of students in the study of foreign
9 languages by encouraging States, institutions of higher
10 education, elementary schools, and secondary schools to
11 participate in programs that—

12 “(1) upgrade the status and stature of foreign
13 language teaching by encouraging institutions of
14 higher education to assume greater responsibility for
15 improving foreign language teacher education
16 through the establishment of a comprehensive, inte-
17 grated system of recruiting and advising such teach-
18 ers;

19 “(2) focus on education of foreign language
20 teachers as a career-long process that should con-
21 tinuously stimulate teachers’ intellectual growth and
22 upgrade teachers’ knowledge and skills;

23 “(3) bring foreign language teachers in elemen-
24 tary schools and secondary schools together with lin-
25 guists or higher education foreign language profes-

1 sionals to increase the subject matter knowledge and
2 improve the teaching skills of teachers through the
3 use of more sophisticated resources that institutions
4 of higher education are better able to provide than
5 the schools; and

6 “(4) develop more rigorous foreign language
7 curricula that contain—

8 “(A) professionally accepted standards for
9 elementary and secondary education instruction;

10 “(B) standards expected for post-sec-
11 ondary study in foreign language; and

12 “(C) articulated foreign language pro-
13 grams from kindergarten through grade 12 that
14 demonstrate increased competence and pro-
15 ficiency over time and grade.

16 “(c) GRANTS TO PARTNERSHIPS.—

17 “(1) IN GENERAL.—The Secretary may award
18 grants, on a competitive basis, to eligible partner-
19 ships to enable the eligible partnerships to pay the
20 Federal share of the costs of carrying out the au-
21 thorized activities described in this section.

22 “(2) DURATION.—The Secretary shall award
23 grants under this section for a period of 5 years.

1 “(3) FEDERAL SHARE.—The Federal share of
2 the costs of the activities assisted under this section
3 shall be—

4 “(A) 75 percent of the costs for the first
5 year that an eligible partnership receives a
6 grant payment under this section;

7 “(B) 65 percent of such costs for the sec-
8 ond such year; and

9 “(C) 50 percent of such costs for each of
10 the third, fourth, and fifth such years.

11 “(4) NON-FEDERAL SHARE.—The non-Federal
12 share of the costs of carrying out the authorized ac-
13 tivities described in this section may be provided in
14 cash or in kind, fairly evaluated.

15 “(5) PRIORITY.—In awarding grants under this
16 section, the Secretary shall give priority to eligible
17 partnerships—

18 “(A) that include high-need local edu-
19 cational agencies; or

20 “(B) that emphasize the teaching of com-
21 monly taught and critical foreign languages in
22 an articulated program that demonstrates in-
23 creased competency and proficiency over grade
24 and time.

25 “(d) APPLICATIONS.—

1 “(1) IN GENERAL.—Each eligible partnership
2 desiring a grant under this section shall submit an
3 application to the Secretary at such time, in such
4 manner, and accompanied by such information as
5 the Secretary may require.

6 “(2) CONTENTS.—An application under para-
7 graph (1) shall include—

8 “(A) an assessment of the teacher quality
9 and professional development needs of all the
10 schools and agencies participating in the eligible
11 partnership with respect to the teaching and
12 learning of foreign languages;

13 “(B) a description of how the activities to
14 be carried out by the eligible partnership will be
15 based on a review of relevant research, and an
16 explanation of why the activities are expected to
17 improve student performance and to strengthen
18 the quality of foreign language instruction; and

19 “(C) a description of—

20 “(i) how the eligible partnership will
21 carry out the authorized activities de-
22 scribed in subsection (e); and

23 “(ii) the eligible partnership’s evalua-
24 tion and accountability plan as described
25 in subsection (f).

1 “(e) AUTHORIZED ACTIVITIES.—An eligible partner-
2 ship shall use the grant funds provided under this section
3 for 1 or more of the following activities related to elemen-
4 tary schools or secondary schools:

5 “(1) Creating opportunities for enhanced and
6 ongoing professional development that improves the
7 subject matter knowledge of foreign language teach-
8 ers.

9 “(2) Recruiting university students with foreign
10 language majors for teaching.

11 “(3) Promoting strong teaching skills for for-
12 eign language teachers and teacher educators.

13 “(4) Establishing foreign language summer
14 workshops or institutes (including follow-up) for
15 teachers.

16 “(5) Establishing distance learning programs
17 for foreign language teachers.

18 “(6) Designing programs to prepare a teacher
19 at a school to provide professional development to
20 other teachers at the school and to assist novice
21 teachers at such school, including (if applicable) a
22 mechanism to integrate experiences from a summer
23 workshop or institute.

24 “(7) Developing instruction materials.

1 “(f) EVALUATION AND ACCOUNTABILITY PLAN.—
2 Each eligible partnership receiving a grant under this sec-
3 tion shall develop an evaluation and accountability plan
4 for activities assisted under this section that includes
5 strong performance objectives. The plan shall include ob-
6 jectives and measures for—

7 “(1) increased participation by students in ad-
8 vanced courses in foreign language;

9 “(2) increased percentages of secondary school
10 classes in foreign language taught by teachers with
11 academic majors in foreign language, respectively;
12 and

13 “(3) increased numbers of foreign language
14 teachers who participate in content-based profes-
15 sional development activities.

16 “(g) REPORT.—Each eligible partnership receiving a
17 grant under this section shall annually report to the Sec-
18 retary regarding the eligible partnership’s progress in
19 meeting the performance objectives described in sub-
20 section (f).

21 “(h) TERMINATION.—If the Secretary determines
22 that an eligible partnership is not making substantial
23 progress in meeting the performance objectives described
24 in subsection (f) by the end of the third year of a grant

1 under this section, the grant payments shall not be made
2 for the fourth and fifth year of the grant.

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—To
4 carry out this part, there are authorized to be appro-
5 priated such sums for fiscal year 2009 and such sums as
6 may be necessary for each of the 4 succeeding fiscal
7 years.”.

8 **SEC. 605. EVALUATION, OUTREACH, AND DISSEMINATION.**

9 Part D of title VI is amended by inserting after sec-
10 tion 641 (20 U.S.C. 1132), as redesignated by section 604
11 of this Act, 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 D of title VI is amended by inserting after sec-
19 tion 642 (as added by section 605 of this Act) the fol-
20 lowing new section:

21 **“SEC. 643. STUDENT SAFETY.**

22 “Applicants seeking funds under this title to support
23 student travel and study abroad shall submit as part of
24 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 D of title VI is amended by inserting after sec-
6 tion 642 (as added by section 606 of this Act) the fol-
7 lowing new section:

8 **“SEC. 644. SCIENCE AND TECHNOLOGY ADVANCED FOR-**
9 **EIGN LANGUAGE EDUCATION GRANT PRO-**
10 **GRAM.**

11 “(a) **PURPOSE.**—It is the purpose of this section to
12 support programs in colleges and universities that—

13 “(1) encourage students to develop—

14 “(A) an understanding of science and tech-
15 nology; and

16 “(B) foreign language proficiency; and

17 “(2) foster future international scientific col-
18 laboration.

19 “(b) **DEVELOPMENT.**—The Secretary of Education
20 shall develop a program for the awarding of grants to in-
21 stitutions of higher education that develop innovative pro-
22 grams for the teaching of foreign languages.

23 “(c) **REGULATIONS AND REQUIREMENTS.**—The Sec-
24 retary of Education shall promulgate regulations for the
25 awarding of grants under subsection (b). Such regulations

1 shall require institutions of higher education to use grant
2 funds for, among other things—

3 “(1) the development of an on-campus cultural
4 awareness program by which students attend classes
5 taught in the foreign language and study the science
6 and technology developments and practices in a non-
7 English speaking country;

8 “(2) immersion programs where students take
9 science or technology related course work in a non-
10 English speaking country; and

11 “(3) other programs, such as summer work-
12 shops, that emphasize the intense study of a foreign
13 language and science technology.

14 “(d) GRANT DISTRIBUTION.—In distributing grants
15 to institutions of higher education under this section, the
16 Secretary of Education shall give priority to—

17 “(1) institutions that have programs focusing
18 on curricula that combine the study of foreign lan-
19 guages and the study of science and technology and
20 produce graduates who have both skills; and

21 “(2) institutions teaching critical languages
22 such as Arabic, Korean, Chinese, Pashto, Persian-
23 Farsi, Serbian-Croatian, Japanese, Russian, Por-
24 tuguese, and any language identified by the Sec-
25 retary of Education, in consultation with the De-

1 fense Language Institute, the Foreign Service Insti-
2 tute, the National Science Foundation, and the Na-
3 tional Security Education Program, as a critical for-
4 eign language need.

5 “(e) SCIENCE.—In this section, the term ‘science’
6 means any of the natural and physical sciences including
7 chemistry, biology, physics, and computer science. Such
8 term does not include any of the social sciences.

9 “(f) APPROPRIATIONS AUTHORIZED.—To carry out
10 this section, there are authorized to be appropriated such
11 sums for fiscal year 2009 and such sums as may be nec-
12 essary for each subsequent fiscal year.”

13 **SEC. 608. REPORTING BY INSTITUTIONS.**

14 Part D of title VI (20 U.S.C. 1122) is amended by
15 adding at the end the following new section:

16 **“SEC. 645. REPORTING BY INSTITUTIONS.**

17 “(a) APPLICABILITY.—The data requirement in sub-
18 section (b) shall apply to an institution of higher education
19 that receives funds under this title if the amount of cash,
20 or the fair market value, or both, of the contributions by
21 any foreign government or private sector corporation,
22 foundation, or any other entity or individual (excluding do-
23 mestic government entities) during any fiscal year for the
24 institution, programs, or centers receiving funds under
25 this title, exceeds \$1,000,000 in the aggregate.

1 “(b) DATA REQUIRED.—The Secretary shall require
2 of each institution to which this paragraph applies under
3 subsection (a), as part of the Integrated Postsecondary
4 Education Data System (IPEDS) annual data collection,
5 that such institution include the following data:

6 “(1) the names and addresses of any such for-
7 eign government or private sector corporation, foun-
8 dation, or any other entity or individual that contrib-
9 uted such amount of cash or such fair market value
10 of other property; and

11 “(2) the amount of such cash or the fair mar-
12 ket 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
17 anonymity of their contribution. The data of institutions
18 shall identify such donors as ‘anonymous’. This exemption
19 does 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
22 shall require.

23 “(e) CONSEQUENCES OF FAILURE TO REPORT.—In
24 the case of any institution from which a report is re-
25 quested under subsection (b), if the Secretary does not re-

1 ceive a report in accordance with the deadline established
2 under subsection (d), the Secretary shall—

3 “(1) make a determination that the institution
4 of 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 determina-
10 tion on the eligibility of the institution of higher
11 education 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
25 after the second sentence the following: “For purposes of

1 the exception in the preceding sentence, a master's degree
2 in fine 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 per-
7 sonal or family member illness, the institution of higher
8 education may also permit the fellowship recipient to in-
9 terrupt periods of study for the duration of the tour of
10 duty (in the case of military service) or not more than
11 12 months (in any other case), but without payment of
12 the stipend.”.

13 (c) ALLOCATION OF FELLOWSHIPS.—Section
14 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

15 (1) in the first sentence, by inserting “from di-
16 verse geographic regions” after “higher education”;
17 and

18 (2) by adding at the end the following new sen-
19 tence: “The Secretary shall also assure that at least
20 one representative appointed to the Board represents
21 an institution that is eligible for a grant under title
22 III or V of this Act.”.

23 (d) STIPENDS.—Section 703 (20 U.S.C. 1134b(a)) is
24 amended—

25 (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 2009–2010 and succeeding
16 academic years, the same amount as the institu-
17 tional payment made for 2008–2009 adjusted for
18 2009–2010 and annually thereafter in accordance
19 with inflation as determined by the Department of
20 Labor’s Consumer Price Index for All Urban Con-
21 sumers for the previous calendar year.”.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
23 705 (20 U.S.C. 1134d) is amended by striking “1999”
24 and inserting “2009”.

1 **SEC. 702. GRADUATE ASSISTANCE IN AREAS OF NATIONAL**
2 **NEED.**

3 (a) DESIGNATION OF AREAS OF NATIONAL NEED;
4 PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—

5 (1) in the last sentence of subsection (b)—

6 (A) by striking “and an assessment” and
7 inserting “an assessment”; and

8 (B) by inserting before the period at the
9 end the following: “, and the priority described
10 in subsection (c) of this section”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(c) PRIORITY.—The Secretary shall establish a pri-
14 ority for grants in order to prepare individuals for the pro-
15 fessorate who will train highly-qualified elementary and
16 secondary math and science teachers, special education
17 teachers, and teachers who provide instruction for limited
18 English proficient individuals. Such grants shall offer pro-
19 gram assistance and graduate fellowships for—

20 “(1) post-baccalaureate study related to teacher
21 preparation and pedagogy in math and science for
22 students who have completed a master’s degree or
23 are pursuing a doctorate of philosophy in math and
24 science;

25 “(2) post-baccalaureate study related to teacher
26 preparation and pedagogy in special education and

1 English language acquisition and academic pro-
2 ficiency for limited English proficient individuals;
3 and

4 “(3) support of dissertation research in the
5 fields of math, science, special education, or second
6 language pedagogy and second language acquisi-
7 tion.”.

8 (b) COLLABORATION REQUIRED FOR CERTAIN AP-
9 PPLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is
10 amended—

11 (1) by striking “and” at the end of paragraph
12 (9);

13 (2) by redesignating paragraph (10) as para-
14 graph (11); and

15 (3) by inserting after paragraph (9) the fol-
16 lowing new paragraph:

17 “(10) in the case of an application from a de-
18 partment, program, or unit in education or teacher
19 preparation, provide assurances that such depart-
20 ment, program, or unit will collaborate with depart-
21 ments, programs, or units in all content areas to en-
22 sure a successful combination of training in both
23 teaching and such content; and”.

24 (c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b))
25 is amended—

1 (1) by striking “1999–2000” and inserting
2 “2009–2010”; and

3 (2) by striking “Foundation graduate fellow-
4 ships” and inserting “Foundation Graduate Re-
5 search Fellowship Program on February 1 of such
6 academic year”.

7 (d) ADDITIONAL ASSISTANCE.—Section 715(a)(1)
8 (20 U.S.C. 1135d(a)(1)) is amended—

9 (1) by striking “1999–2000” and inserting
10 “2009–2010”;

11 (2) by striking “1998–1999” and inserting
12 “2008–2009”; and

13 (3) by inserting “for All Urban Consumers”
14 after “Price Index”.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
16 716 (20 U.S.C. 1135e) is amended by striking “1999”
17 and inserting “2009”.

18 (f) TECHNICAL AMENDMENTS.—Section 714(c) (20
19 U.S.C. 1135c(c)) is amended—

20 (1) by striking “section 716(a)” and inserting
21 “section 715(a)”; and

22 (2) by striking “section 714(b)(2)” and insert-
23 ing “section 713(b)(2)”.

1 **SEC. 703. THURGOOD MARSHALL LEGAL EDUCATIONAL OP-**
2 **PORTUNITY PROGRAM.**

3 (a) CONTRACT AND GRANT PURPOSES.—Section
4 721(c) (20 U.S.C. 1136(c)) is amended—

5 (1) 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 devel-
9 opment of analytical skills and study methods to en-
10 hance their success and promote completion of law
11 school;”;

12 (2) by striking “and” at the end of paragraph
13 (4);

14 (3) by striking the period at the end of para-
15 graph (5) and inserting “; and”; and

16 (4) by adding at the end the following new
17 paragraph:

18 “(6) to award Thurgood Marshall Fellowships
19 to 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
25 summer institute program certified by the
26 Council on Legal Educational Opportunity.”.

1 (b) SERVICES PROVIDED.—Section 721(d)(1)(D) (20
2 U.S.C. 1136(d)(1)(D)) is amended by inserting “in ana-
3 lytical skills and study methods” after “courses”.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
5 721(h) (20 U.S.C. 1136(h)) is amended by striking
6 “1999” and inserting “2009”.

7 (d) GENERAL PROVISIONS.—Subsection (e) of section
8 731 (20 U.S.C. 1137(e)) is repealed.

9 **SEC. 704. PATSY T. MINK FELLOWSHIP PROGRAM.**

10 Part A of title VII (20 U.S.C. 1134) is further
11 amended—

12 (1) by redesignating subpart 4 as subpart 5;

13 (2) in section 731, by striking “subparts 1, 2,
14 and 3” each place it appears in subsections (a), (b),
15 and (d) and inserting “subparts 1 through 4”; and

16 (3) by inserting after subpart 3 the following
17 new subpart:

18 **“Subpart 4—Patsy T. Mink Fellowship Program**

19 **“SEC. 722. PATSY T. MINK FELLOWSHIPS.**

20 “(a) PURPOSE; DESIGNATION.—

21 “(1) PURPOSE.—It is the purpose of this sub-
22 part to provide a program of fellowship awards to
23 assist highly qualified minorities and women to ac-
24 quire the terminal masters degree or the doctorate
25 degree in academic areas in which such individuals

1 are underrepresented for the purpose of entering the
2 higher education professoriate.

3 “(2) ELIGIBLE INSTITUTIONS.—For purposes
4 of this subpart, the term ‘eligible institution’ means
5 an institution of higher education, or a consortium
6 of such institutions, that offers a program of post-
7 baccalaureate study leading to a graduate degree.

8 “(3) DESIGNATION.—Each recipient of a fellow-
9 ship award from an institution receiving a grant
10 under this subpart shall be known as a ‘Patsy T.
11 Mink Graduate Fellow’.

12 “(b) PROGRAM AUTHORIZED.—

13 “(1) GRANTS BY SECRETARY.—

14 “(A) IN GENERAL.—The Secretary shall
15 make grants to eligible institutions of higher
16 education to enable such institutions to make
17 fellowship awards to qualified students in ac-
18 cordance with the provisions of this subpart.

19 “(B) PRIORITY CONSIDERATION.—In mak-
20 ing grant awards under this subpart, the Sec-
21 retary shall consider the applicant institution’s
22 prior experience in producing doctorates and
23 terminal masters degree holders who are mi-
24 norities and females, and shall give priority con-
25 sideration in making grants under this subpart

1 to those institutions with a demonstrated record
2 of producing minorities and women who have
3 earned such degrees.

4 “(2) DISTRIBUTION AND AMOUNTS OF
5 GRANTS.—

6 “(A) EQUITABLE DISTRIBUTION.—In mak-
7 ing such grants the Secretary shall, to the max-
8 imum extent feasible, ensure an equitable geo-
9 graphic distribution of awards and an equitable
10 distribution among eligible public and private
11 institutions of higher education that apply for
12 grants under this subpart and that demonstrate
13 the institution’s ability to achieve the purpose
14 of this subpart.

15 “(B) SPECIAL RULE.—To the maximum
16 extent practical, the Secretary shall award at
17 least 50 percent of the amount appropriated
18 pursuant under this subpart to institutions of
19 higher education eligible for assistance under ti-
20 tles III and V, or to consortia composed of oth-
21 erwise eligible institutions of higher education
22 and such minority-serving institutions.

23 “(C) ALLOCATION.—In making such
24 grants the Secretary shall, consistent with sub-
25 paragraphs (A) and (B), allocate appropriated

1 funds to those institutions whose applications
2 indicate their ability to significantly increase
3 the numbers of minorities and women entering
4 the higher education professoriate and that
5 commit institutional resources to the attain-
6 ment of the purpose of this subpart. No grant
7 made under this subpart shall support fewer
8 than fifteen degree candidates consistent with
9 (d)(2).

10 “(D) REALLOTMENT.—Whenever the Sec-
11 retary determines that an institution of higher
12 education is unable to utilize all of the amounts
13 made available to it under this subpart, the
14 Secretary shall, on such dates during the fiscal
15 year as the Secretary may determine, reallocate
16 such unused amounts to institutions which
17 demonstrate that they can use any reallocated
18 grant funds to make fellowship awards to quali-
19 fied individuals under this subpart.

20 “(c) APPLICATIONS.—

21 “(1) APPLICATIONS REQUIRED.—Any eligible
22 institution of higher education offering a program of
23 post-baccalaureate study leading to a graduate de-
24 gree that meets the purpose of this subpart may
25 apply for a grant. Each such institution, or consor-

1 tium of eligible institutions (including those institu-
2 tions specified in subsection (b)(2)(B)) may make an
3 application to the Secretary at such time, in such
4 manner, and containing or accompanied by such in-
5 formation as the Secretary may reasonably require.

6 “(2) SELECTION OF APPLICATIONS.—In select-
7 ing applications for the making grants to institu-
8 tions of higher education, the Secretary shall—

9 “(A) take into account the number and
10 distribution of minority and female faculty na-
11 tionally, as well as the current and projected
12 need for highly-trained individuals in all areas
13 of the higher education professoriate;

14 “(B) take into account the number and
15 distribution of minority and female faculty na-
16 tionally, as well as the present and projected
17 need for highly trained individuals in academic
18 career fields in which minorities and women are
19 underrepresented in the higher education pro-
20 fessoriate; and

21 “(C) consider the need to prepare a larger
22 number of minorities and women generally in
23 academic career fields of high national priority,
24 especially in areas in which such individuals are

1 traditionally underrepresented in college and
2 university faculties.

3 “(d) FELLOWSHIP TERMS AND CONDITIONS.—

4 “(1) SELECTION OF FELLOWS.—

5 “(A) ELIGIBLE APPLICANTS.—The Sec-
6 retary shall assure that, in awarding fellowships
7 from funds made available under this subpart,
8 grantee institutions make fellowship awards to
9 individuals who plan to pursue a career in in-
10 struction at any institution of higher education
11 that is eligible to participate in title IV pro-
12 grams.

13 “(B) ACADEMIC PROGRESS.—Notwith-
14 standing subparagraph (A), no otherwise eligi-
15 ble student selected for support, shall receive a
16 fellowship award—

17 “(i) during periods in which such stu-
18 dent is enrolled, unless such student is
19 maintaining satisfactory academic progress
20 in, and devoting essentially full-time to,
21 study or research in the pursuit of the de-
22 gree for which the fellowship support was
23 awarded; or

24 “(ii) if the student is engaged in gain-
25 ful employment other than part-time em-

1 employment involved in teaching, research, or
2 similar activity determined by the institu-
3 tion to be consistent with and supportive of
4 the student's progress toward the appro-
5 priate degree.

6 “(2) SERVICE REQUIREMENT.—

7 “(A) TEACHING REQUIRED.—Each Patsy
8 T. Mink Graduate Fellow who earns the doc-
9 toral or terminal masters degree with assistance
10 provided under this subpart shall teach at an
11 eligible institution for one year for each year of
12 fellowship assistance received under this sub-
13 part.

14 “(B) INSTITUTIONAL OBLIGATION.—Each
15 institution which receives an award from the
16 Secretary under this subpart, shall provide an
17 assurance that it has inquired of and deter-
18 mined the fellowship recipient's decision to,
19 within 3 years of receiving the doctorate or ter-
20 minal masters degree, begin employment at an
21 eligible institution of higher education as re-
22 quired by this subpart.

23 “(C) AGREEMENT REQUIRED.—Prior to
24 receiving the initial fellowship award, and upon
25 the annual renewal or the fellowship award, a

1 fellow shall sign an agreement with the Sec-
2 retary memorializing this commitment to enter
3 the professoriate.

4 “(D) CONSEQUENCES OF FAILURE.—If a
5 fellowship recipient fails to honor the service re-
6 quirement of this subsection, the Secretary
7 shall—

8 “(i) require the individual to repay all
9 or the applicable portion of the total fel-
10 lowship amount awarded to the individual
11 by converting the balance due to a loan at
12 the interest rate applicable to loans made
13 under part B of title IV; or

14 “(ii) require the individual to pay an
15 amount determined by the Secretary to be
16 appropriate, except as provided in subpara-
17 graph (E).

18 “(E) MODIFIED SERVICE REQUIREMENT.—
19 The Secretary may waive or modify the service
20 requirement of this subsection based on regula-
21 tions, promulgated pursuant to and consistent
22 with criteria which, determine that compliance
23 with the service obligation by the fellowship re-
24 cipient would be inequitable and represent a

1 substantial hardship. The Secretary may waive
2 the service requirement if—

3 “(i) compliance by the fellowship re-
4 cipient would be deemed impossible be-
5 cause the individual is permanently and to-
6 tally disabled at the time of the waiver re-
7 quest; or

8 “(ii) compliance by the fellowship re-
9 cipient is based on documentation pre-
10 sented to the Secretary of substantial eco-
11 nomic or personal hardship, as determined
12 in accordance with regulations prescribed
13 by the Secretary.

14 “(3) AMOUNT OF FELLOWSHIP AWARDS.—

15 “(A) IN GENERAL.—From the grants
16 made pursuant to this subpart, eligible institu-
17 tions shall award stipends to individuals who
18 are awarded fellowships under this subpart.
19 Such stipends shall reflect the purpose of the
20 program authorized by this subpart to encour-
21 age highly qualified minorities and women to
22 pursue graduate study for the purpose of enter-
23 ing the higher education professoriate.

24 “(B) AWARDS BASED ON NEED.—Stipends
25 shall be in an amount equal to the level of sup-

1 port provided by the National Science Founda-
2 tion graduate fellowships, except that such sti-
3 pend shall be adjusted as necessary so as not
4 to exceed the fellow's demonstrated need as de-
5 termined by the institution of higher education
6 where the graduate student is enrolled.

7 “(4) INSTITUTIONAL PAYMENTS.—

8 “(A) IN GENERAL.—The Secretary shall,
9 in addition to the amounts made available to in-
10 stitutions for stipends to individuals under this
11 subpart, pay to grantee institutions of higher
12 education, for each individual awarded a fellow-
13 ship under this subpart at such institution, an
14 institutional allowance. Except as provided for
15 in subparagraph (C), such allowance shall be,
16 for academic year 2009–2010 and succeeding
17 academic years, the same as the institutional
18 payment made for that year under the Grad-
19 uate Assistance in Areas of National Need pro-
20 gram in subpart 2 of part A, and shall be ad-
21 justed annually thereafter in accordance with
22 inflation as determined by the Department of
23 Labor's Consumer Price Index for the previous
24 calendar year.

1 “(B) USE OF FUNDS.—Institutional pay-
2 ments may be expended in the discretion of the
3 institution, except that such funds shall be used
4 to provide academic support and career transi-
5 tion services for participating fellows.

6 “(C) REDUCTION.—The institutional al-
7 lowance paid under subparagraph (A) shall be
8 reduced by the amount the institution charges
9 and collects from a fellowship recipient for tui-
10 tion and other expenses as part of the institu-
11 tion’s instructional program.

12 “(D) USE FOR OVERHEAD PROHIBITED.—
13 Funds made available pursuant to this subpart
14 may not be used for general operational over-
15 head of the academic department or institution
16 receiving funds under this subpart.

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to appropriated such sums as may be nec-
19 essary for fiscal year 2009 and for each of the 4 suc-
20 ceeding fiscal years.”.

21 **SEC. 705. FUND FOR THE IMPROVEMENT OF POSTSEC-**
22 **ONDARY EDUCATION.**

23 (a) CONTRACT AND GRANT PURPOSES.—Section
24 741(a) (20 U.S.C. 1138(a)) is amended—

1 (1) by amending paragraph (1) to read as fol-
2 lows:

3 “(1) the encouragement of the reform and im-
4 provement of, and innovation in, postsecondary edu-
5 cation and the provision of educational opportunity
6 for all, especially for the non-traditional student pop-
7 ulations;”;

8 (2) in paragraph (2), by inserting before the
9 semicolon at the end the following: “for postsec-
10 ondary students, especially institutions, programs,
11 and joint efforts that provide academic credit for
12 programs”;

13 (3) by amending paragraph (3) to read as fol-
14 lows:

15 “(3) the establishment of institutions and pro-
16 grams based on the technology of communications,
17 including delivery by distance education;”;

18 (4) by amending paragraph (6) to read as fol-
19 lows:

20 “(6) the introduction of institutional reforms
21 designed to expand individual opportunities for en-
22 tering and reentering postsecondary institutions and
23 pursuing programs of postsecondary study tailored
24 to individual needs;”;

1 (5) by striking “and” at the end of paragraph
2 (7);

3 (6) by striking the period at the end of para-
4 graph (8) and inserting a semicolon; and

5 (7) by adding at the end the following new
6 paragraphs:

7 “(9) the assessment, in partnership with a pub-
8 lic or private nonprofit institution or agency, of the
9 performance of teacher preparation programs within
10 institutions of higher education in a State, using an
11 assessment which provides comparisons across such
12 schools within the State based upon indicators in-
13 cluding teacher candidate knowledge in subject areas
14 in which such candidate has been prepared to teach;

15 “(10) the support of efforts to establish pilot
16 programs and initiatives to help college campuses to
17 reduce illegal downloading of copyrighted content, in
18 order to improve the security and integrity of cam-
19 pus computer networks and save bandwidth costs;

20 “(11) the support of increased fire safety in
21 student housing—

22 “(A) by establishing a demonstration in-
23 centive program for qualified student housing in
24 institutions of higher education;

1 “(B) by making grants for the purpose of
2 installing fire alarm detection, prevention, and
3 protection technologies in student housing, dor-
4 mitories, and other buildings controlled by such
5 entities; and

6 “(C) by requiring, as a condition of such
7 grants—

8 “(i) that such technologies be installed
9 professionally to technical standards of the
10 National Fire Protection Association; and

11 “(ii) that the recipient shall provide
12 non-Federal matching funds in an amount
13 equal to the amount of the grant;

14 “(12) the assessment, in partnership with a
15 consortium of higher education organizations, of the
16 feasibility and potential design of an inter-institution
17 monitoring organization on gender and racial equal-
18 ity in campus faculty and administration;

19 “(13) the provision of support and assistance to
20 partnerships between institutions of higher education
21 and secondary schools with at least 10 percent of
22 their enrollment assessed as late-entering limited
23 English proficient students to establish programs
24 that result in increased secondary school graduation
25 rates of limited-English proficient students and that

1 increase the number of eligible late-entering limited-
2 English proficient students who pursue postsec-
3 ondary education opportunities;

4 “(14) the provision of support and assistance
5 for demonstration projects to provide comprehensive
6 support services to ensure that homeless students, or
7 students who were in foster care until the age of 18,
8 enroll and succeed in postsecondary education, in-
9 cluding providing housing to such students during
10 periods when housing at the institution of higher
11 education is closed or generally unavailable to other
12 students;

13 “(15) the support of efforts to work with
14 501(c)(3) organizations and institutions of higher
15 education that seek to promote cultural diversity in
16 the entertainment media industry including through
17 the training of students in production, marketing
18 and distribution of culturally relevant content; and

19 “(16) the creation of consortia that join diverse
20 institutions of higher education to design and offer
21 curricular and co-curricular interdisciplinary pro-
22 grams at the undergraduate and graduate levels,
23 sustained for not less than a 5 year period, that—

24 “(A) focus on poverty and human capa-
25 bility; and

1 “(B) include—
2 “(i) a service-learning component; and
3 “(ii) the delivery of educational serv-
4 ices through informational resource cen-
5 ters, summer institutes, midyear seminars,
6 and other educational activities that stress
7 the effects of poverty and how poverty can
8 be alleviated through different career
9 paths.”.

10 (b) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS
11 OF VETERANS OR MEMBERS OF THE MILITARY; CENTER
12 FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STU-
13 DENTS.—Section 741 (20 U.S.C. 1138) is further amend-
14 ed by adding at the end the following new subsections:

15 “(c) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS
16 OF VETERANS OR MEMBERS OF THE MILITARY.—

17 “(1) AUTHORIZATION.—The Secretary shall
18 contract with a nonprofit organization with dem-
19 onstrated experience in carrying out the activities
20 described in this subsection to carry out a program
21 to provide postsecondary education scholarships for
22 eligible students.

23 “(2) ELIGIBLE STUDENTS.—In this subsection,
24 the term ‘eligible student’ means an individual who
25 is—

1 “(A)(i) a dependent student who is a child
2 of—

3 “(I) an individual who is—

4 “(aa) serving on active duty dur-
5 ing a war or other military operation
6 or national emergency (as defined in
7 section 481); or

8 “(bb) performing qualifying Na-
9 tional Guard duty during a war or
10 other military operation or national
11 emergency (as defined in section 481);
12 or

13 “(II) a veteran who died while serving
14 or performing, as described in subclause
15 (I), since September 11, 2001, or has been
16 disabled while serving or performing, as
17 described in subclause (I), as a result of
18 such event; or

19 “(ii) an independent student who is a
20 spouse of—

21 “(I) an individual who is—

22 “(aa) serving on active duty dur-
23 ing a war or other military operation
24 or national emergency (as defined in
25 section 481); or

1 “(bb) performing qualifying Na-
2 tional Guard duty during a war or
3 other military operation or national
4 emergency (as defined in section 481);
5 or

6 “(II) a veteran who died while serving
7 or performing, as described in subclause
8 (I), since September 11, 2001, or has been
9 disabled while serving or performing, as
10 described in subclause (I), as a result of
11 such event; and

12 “(B) enrolled as a full-time or part-time
13 student at an institution of higher education (as
14 defined in section 102).

15 “(3) AWARDING OF SCHOLARSHIPS.—Scholar-
16 ships awarded under this subsection shall be award-
17 ed based on need with priority given to eligible stu-
18 dents who are eligible to receive Federal Pell Grants
19 under subpart 1 of part A of title IV.

20 “(4) MAXIMUM SCHOLARSHIP AMOUNT.—The
21 maximum scholarship amount awarded to an eligible
22 student under this subsection for an academic year
23 shall be the lesser of—

24 “(A) the difference between the eligible
25 student’s cost of attendance (as defined in sec-

1 tion 472) and any non-loan based aid such stu-
2 dent receives; or

3 “(B) \$5,000.

4 “(5) AMOUNTS FOR SCHOLARSHIPS.—All of the
5 amounts appropriated to carry out this subsection
6 for a fiscal year shall be used for scholarships
7 awarded under this subsection, except that a non-
8 profit organization receiving a contract under this
9 subsection may use not more than 1 percent of such
10 amounts for the administrative costs of the contract.

11 “(d) CENTER FOR BEST PRACTICES TO SUPPORT
12 SINGLE PARENT STUDENTS.—

13 “(1) PROGRAM AUTHORIZED.—The Secretary is
14 authorized to award 1 grant or contract to an insti-
15 tution of higher education to enable such institution
16 to establish and maintain a center to study and de-
17 velop best practices for institutions of higher edu-
18 cation to support single parents who are also stu-
19 dents attending such institutions.

20 “(2) INSTITUTION REQUIREMENTS.—The Sec-
21 retary shall award the grant or contract under this
22 subsection to a 4-year institution of higher education
23 that has demonstrated expertise in the development
24 of programs to assist single parents who are stu-
25 dents at institutions of higher education, as shown

1 by the institution's development of a variety of tar-
2 geted services to such students, including on-campus
3 housing, child care, counseling, advising, internship
4 opportunities, financial aid, and financial aid coun-
5 seling and assistance.

6 “(3) CENTER ACTIVITIES.—The center funded
7 under this section shall—

8 “(A) assist institutions implementing inno-
9 vative programs that support single parents
10 pursuing higher education;

11 “(B) study and develop an evaluation pro-
12 tocol for such programs that includes quan-
13 titative and qualitative methodologies;

14 “(C) provide appropriate technical assist-
15 ance regarding the replication, evaluation, and
16 continuous improvement of such programs; and

17 “(D) develop and disseminate best prac-
18 tices for such programs.”.

19 (c) PROHIBITION.—Section 741 is further amended
20 by adding after subsection (c) (as added by subsection (b)
21 of this section) the following new subsection:

22 “(d) PROHIBITION.—No funds made available under
23 this part may be used to provide financial assistance to
24 students who do not meet the requirements of section
25 484(a)(5).”.

1 (d) TECHNICAL AMENDMENTS.—Part B of title VII
2 (20 U.S.C. 1038 et seq.) is further amended—

3 (1) in section 742 (20 U.S.C. 1138a)—

4 (A) in subsection(b)—

5 (i) by striking out “(1) IN GEN-
6 ERAL.—”; and

7 (ii) by striking paragraph (2);

8 (B) in subsection (c), by striking out “and
9 the Director” each place it appears;

10 (C) in subsection (d), by striking out “Di-
11 rector” and inserting “Secretary”;

12 (2) in section 743 (20 U.S.C. 1138b)—

13 (A) by striking out “(a) Technical Employ-
14 ees.—”; and

15 (B) by striking subsection (b); and

16 (3) in section 744(a) (20 U.S.C. 1138c(a)), by
17 striking out “Director” each place it appears and in-
18 serting “Secretary”.

19 (e) AREAS OF NATIONAL NEED.—Section 744(c) (20
20 U.S.C. 1138c(c)) is amended by adding at the end the
21 following:

22 “(5) Establishment of academic programs in-
23 cluding graduate and undergraduate courses, semi-
24 nars and lectures, support of research, and develop-
25 ment of teaching materials for the purpose of sup-

1 porting faculty and academic programs that teach
2 traditional American history (including significant
3 constitutional, political, intellectual, economic, diplo-
4 matic, and foreign policy trends, issues, and docu-
5 ments; the history, nature, and development of
6 democratic institutions of which American democ-
7 racy is a part; and significant events and individuals
8 in the history of the United States).”.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
10 745 (20 U.S.C. 1138d) is amended by striking
11 “\$30,000,000 for fiscal year 1999 and such sums as may
12 be necessary for each of the 4 succeeding fiscal years” and
13 inserting “\$40,000,000 for fiscal year 2009 and such
14 sums as may be necessary for each of the 4 succeeding
15 fiscal years”.

16 **SEC. 706. URBAN-SERVING RESEARCH INSTITUTIONS.**

17 Part C of title VII (20 U.S.C. 1139 et seq.) is amend-
18 ed to read as follows:

19 **“PART C—URBAN-SERVING RESEARCH**
20 **INSTITUTIONS**

21 **“SEC. 751. PURPOSE; PROGRAM AUTHORIZED.**

22 “(a) PURPOSE.—It is the purpose of this part to pro-
23 vide incentives to urban-serving research institutions to
24 enable such institutions to expand research knowledge and
25 to develop and implement initiatives in partnership with

1 community-based organizations and other public or non-
2 profit private entities to strengthen city economies, foster
3 innovation and opportunity, and solve urban challenges.

4 “(b) PROGRAM AUTHORIZED.—The Secretary is au-
5 thorized to award grants to urban-serving research univer-
6 sities to enable such institutions to carry out the activities
7 described in section 753 in accordance with the provisions
8 of this part.

9 **“SEC. 752. APPLICATION FOR URBAN-SERVING RESEARCH**
10 **UNIVERSITY GRANTS.**

11 “(a) APPLICATION.—An urban-serving research uni-
12 versity seeking assistance under this part shall submit to
13 the Secretary an application at such time, in such manner,
14 and containing such information as the Secretary may rea-
15 sonably require.

16 “(b) PRIORITY IN SELECTION OF APPLICATIONS.—
17 The Secretary shall give priority to applications that pro-
18 pose to conduct joint projects supported by other local,
19 State, and Federal programs. In addition, the Secretary
20 shall give priority to urban-serving research universities
21 with a demonstrated record of effective engagement in
22 serving the communities in which such institutions are lo-
23 cated.

1 **“SEC. 753. ALLOWABLE ACTIVITIES.**

2 “An urban-serving research university shall use funds
3 awarded under this part to further develop and apply re-
4 search findings to the development, implementation, and
5 ongoing evaluation of—

6 “(1) systemic initiatives with elementary and
7 secondary schools, and other educational organiza-
8 tions designed to—

9 “(A) improve teacher quality and reten-
10 tion; or

11 “(B) develop strategies to improve post-
12 secondary and workplace readiness, particularly
13 in fields related to science, technology, engineer-
14 ing, and mathematics;

15 “(2) innovative economic revitalization efforts
16 in conjunction with community-based organizations
17 and other public or nonprofit private entities; or

18 “(3) public health outreach, education, and
19 intervention activities designed to reduce health dis-
20 parities in urban areas, in partnership with commu-
21 nity-based organizations and other public or non-
22 profit private entities.

23 **“SEC. 754. DEFINITIONS.**

24 “As used in this part:

1 “(1) URBAN AREA.—The term ‘urban area’
2 means a city with a population of not less than
3 200,000 within a metropolitan statistical area.

4 “(2) URBAN-SERVING RESEARCH UNIVER-
5 SITY.—The term ‘urban-serving research university’
6 means a public institution of higher education
7 that—

8 “(A) meets the requirements of section
9 101 of this Act;

10 “(B) is located in an urban area;

11 “(C) has the capacity to conduct applicable
12 research, as demonstrated by awarding more
13 than 10 doctoral degrees per academic year;

14 “(D) draws a substantial portion of its stu-
15 dents from the urban area in which such insti-
16 tution is located; and

17 “(E) has demonstrated and sustained a
18 sense of responsibility to such urban area and
19 the people of such area.

20 **“SEC. 755. AUTHORIZATION OF APPROPRIATIONS.**

21 “‘There are authorized to be appropriated to carry out
22 this part \$50,000,000 for fiscal year 2009 and such sums
23 as may be necessary for each of the 4 succeeding fiscal
24 years.’”.

1 **SEC. 707. PROGRAMS TO ENSURE STUDENTS WITH DISABIL-**
2 **ITIES RECEIVE A QUALITY HIGHER EDU-**
3 **CATION.**

4 (a) **SERVING ALL STUDENTS WITH DISABILITIES.—**
5 Section 762(a) (20 U.S.C. 1140a(a)) is amended by strik-
6 ing “students with learning disabilities” and inserting
7 “students with disabilities”.

8 (b) **AUTHORIZED ACTIVITIES.—**

9 (1) **AMENDMENT.—**Section 762(b)(2) is amend-
10 ed—

11 (A) in subparagraph (A)—

12 (i) by inserting “, including methods
13 and strategies consistent with the prin-
14 ciples of universal design for learning”
15 after “strategies”; and

16 (ii) by inserting “in order to improve
17 retention and completion” after “disabil-
18 ities”;

19 (B) by redesignating subparagraphs (B)
20 and (C) as subparagraphs (C) and (E), respec-
21 tively;

22 (C) by inserting after subparagraph (A)
23 the following new subparagraph:

24 “(B) **EFFECTIVE TRANSITION PRAC-**
25 **TICES.—**The development of innovative, effec-
26 tive, and efficient teaching methods and strate-

1 gies to ensure the smooth transition of students
2 with disabilities from high school to postsec-
3 ondary education.”; and

4 (D) by inserting after subparagraph (C)
5 (as redesignated by subparagraph (B) of this
6 paragraph) the following new subparagraph:

7 “(D) DISTANCE LEARNING.—The develop-
8 ment of innovative, effective, and efficient
9 teaching methods and strategies to provide fac-
10 ulty and administrators with the ability to pro-
11 vide accessible distance education programs or
12 classes that would enhance access of students
13 with disabilities to higher education, including
14 the use of accessible electronic communication
15 for instruction and advisement.

16 “(E) ACCESSIBILITY OF EDUCATION.—
17 Making postsecondary education more acces-
18 sible to students with disabilities through use of
19 accessible instructional materials and cur-
20 riculum development, consistent with the prin-
21 ciples of universal design for learning.”.

22 (2) REPORT.—Section 762 is further amended
23 by adding at the end the following new subsection:

24 “(d) REPORT.—Not later than 3 years after the date
25 of enactment of the College Opportunity and Affordability

1 Act of 2007, the Secretary shall prepare and disseminate
2 a report reviewing the activities of the demonstration
3 projects authorized under this subpart and providing guid-
4 ance and recommendations on how successful projects can
5 be replicated.”.

6 (3) CONFORMING AMENDMENT.—Section
7 762(b)(3) is amended by striking “subparagraphs
8 (A) through (C)” and inserting “subparagraphs (A)
9 through (F)”.

10 (c) APPLICATIONS.—Section 763 (20 U.S.C. 1140b)
11 is amended—

12 (1) by amending paragraph (1) to read as fol-
13 lows:

14 “(1) a description of how such institution plans
15 to address the activities allowed under this part;”;

16 (2) in paragraph (2)—

17 (A) by striking “institution to develop”
18 and inserting “institution, including students
19 with disabilities, to develop”;

20 (B) by striking “and” at the end;

21 (3) by striking the period at the end of para-
22 graph (3) and inserting “; and”; and

23 (4) by adding at the end the following new
24 paragraph:

1 “(4) a description of the extent to which an in-
2 stitution will work to replicate the best practices of
3 institutions of higher education with demonstrated
4 success in serving students with disabilities.”.

5 (d) AUTHORIZATION OF APPROPRIATIONS FOR DEM-
6 ONSTRATION PROJECTS TO ENSURE STUDENTS WITH
7 DISABILITIES RECEIVE A QUALITY HIGHER EDU-
8 CATION.—Section 765 (20 U.S.C. 1140d) is amended by
9 striking “1999” and and inserting “2009”.

10 (e) NATIONAL TECHNICAL ASSISTANCE CENTER;
11 COMMISSION ON ACCESSIBLE MATERIALS; PROGRAMS TO
12 SUPPORT IMPROVED ACCESS TO MATERIALS; TRANSITION
13 PROGRAMS FOR STUDENTS WITH INTELLECTUAL DIS-
14 ABILITIES; COORDINATING CENTER.—Part D of title VII
15 (20 U.S.C. 1140 et seq.) is further amended—

16 (1) in the part heading, by striking “**DEM-**
17 **ONSTRATION PROJECTS**” and inserting “**PRO-**
18 **GRAMS**”;

19 (2) by inserting after the part heading the fol-
20 lowing:

21 “**Subpart 1—Quality Higher Education**”;

22 and

23 (3) by adding at the end the following:

1 **“Subpart 2—National Technical Assistance Center;**
2 **Commission on Accessible Materials; Programs**
3 **to Support Improved Access to Materials**

4 **“SEC. 766. NATIONAL CENTER.**

5 “(a) PURPOSE.— It is the purpose of this subpart
6 to support the development of a national center to provide
7 information and technical assistance for students with dis-
8 abilities to improve the post-secondary recruitment, reten-
9 tion, and completion success rates of such students.

10 “(b) ESTABLISHMENT AND SUPPORT.—The Sec-
11 retary shall, by grant, contract, or cooperative agreement
12 with an eligible entity or partnership of two or more eligi-
13 ble entities, provide for the establishment and support of
14 a National Center for Information and Technical Support
15 for Post-Secondary Students with Disabilities (hereinafter
16 in this subpart referred to as the ‘Center’) which shall
17 carry out the duties set forth in subsection (d).

18 “(c) ELIGIBLE ENTITY.—In this subpart, the term
19 ‘eligible entity’ means an institution of higher education
20 or a private nonprofit organization with demonstrated ex-
21 pertise in—

22 “(1) supporting postsecondary students with
23 disabilities;

24 “(2) technical knowledge necessary for the ac-
25 cessible dissemination of information; and

1 “(3) working with a diverse range of types of
2 institutions of higher education, including commu-
3 nity colleges.

4 “(d) DUTIES.—The duties of a National Center for
5 Information and Technical Support for Post-Secondary
6 Students with Disabilities shall include the following:

7 “(1) ASSISTANCE TO STUDENTS AND FAMI-
8 LIES.—The Center shall provide information and
9 technical assistance to students with disabilities,
10 their families, and disability support service per-
11 sonnel related to practices supporting students
12 across a broad spectrum of disabilities, including—

13 “(A) information to assist prospective stu-
14 dents with disabilities in planning their postsec-
15 ondary academic career while they are in middle
16 and secondary school;

17 “(B) research-based supports, services, and
18 accommodations which are available in postsec-
19 ondary settings, including services provided by
20 other agencies such as vocational rehabilitation;

21 “(C) information on student mentoring
22 and networking opportunities; and

23 “(D) successful recruitment and transition
24 programs in existence in postsecondary institu-
25 tions.

1 “(2) ASSISTANCE TO INSTITUTIONS OF HIGHER
2 EDUCATION.—The Center shall provide information
3 and technical assistance to faculty, staff, and admin-
4 istrators of institutions of higher education to im-
5 prove the services provided to, accommodations for,
6 retention rates of, and completion rates of student
7 with disabilities in higher education settings, which
8 may include—

9 “(A) collection and dissemination of prom-
10 ising practices and materials for accomodation
11 and support of students with disabilities;

12 “(B) development and provision of training
13 modules for higher education faculty on exem-
14 plary practices for accomodating and sup-
15 porting students with disabilities across a range
16 of academic fields; or

17 “(C) development of internet-based tuto-
18 rials for faculty, including graduate teaching
19 assistants and new faculty, on promising prac-
20 tices related to support and retention of stu-
21 dents with disabilities in postsecondary edu-
22 cation.

23 “(3) INFORMATION COLLECTION AND DISSEMI-
24 NATION.—The Center shall be responsible for build-
25 ing and maintaining a database of disability support

1 services information with respect to institutions of
2 higher education, which shall be available to the gen-
3 eral public through a website built to the highest
4 technical standards of accessibility currently prac-
5 ticable for the broad spectrum of individuals with
6 disabilities. Such database and website shall include
7 information on—

8 “(A) disability documentation require-
9 ments;

10 “(B) support services available;

11 “(C) links to financial aid;

12 “(D) accommodations policies;

13 “(E) accessible instructional materials;

14 “(F) other topics relevant to students with
15 disabilities and prospective students with dis-
16 abilities; and

17 “(G) the information in the report de-
18 scribed in paragraph (5).

19 “(4) PROFESSIONAL STANDARDS FOR DIS-
20 ABILITY SUPPORT PERSONNEL.—The Center shall
21 consolidate and disseminate information with respect
22 to professional standards in existence for disability
23 support services personnel and offices in institutions
24 of higher education and shall convene a panel of ex-

1 perts to create and disseminate professional stand-
2 ards for such personnel and offices.

3 “(5) REVIEW AND REPORT.—The Center shall
4 annually prepare and disseminate a report analyzing
5 the current condition of postsecondary success for
6 students with disabilities. Such report shall in-
7 clude—

8 “(A) a review of the activities of the pro-
9 grams authorized under this 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 in-
16 stitutions 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) activities necessary to facilitate a
21 substantial improvement in the postsecondary
22 success of such students.

23 “(e) STAFFING OF THE CENTER.—The Center shall
24 employ disability support personnel with a proven exper-
25 tise in providing training and technical assistance to prac-

1 titioners. 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.—There is established a com-
12 mission to be known as the Advisory Commission on
13 Accessible Instructional Materials in Postsecondary
14 Education for Students with Disabilities, in this sub-
15 part referred to as ‘the Commission’.

16 “(2) MEMBERSHIP.—

17 “(A) The Commission shall be composed of
18 at least one, but not more than two, representa-
19 tives of each of the following:

20 “(i) Department of Education Office
21 of Postsecondary Education.

22 “(ii) Department of Education Office
23 of Special Education and Rehabilitative
24 Services.

1 “(iii) Library of Congress National
2 Digital Information and Infrastructure
3 Preservation Program Copyright Working
4 Group.

5 “(iv) Association on Higher Education
6 and Disability.

7 “(v) Association of American Pub-
8 lishers.

9 “(vi) Association of American Univer-
10 sity Presses.

11 “(vii) National Association of College
12 Stores.

13 “(viii) 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.

500

1 “(II) Small public institution of
2 higher education.

3 “(III) Large private institution
4 of 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
14 speech.

15 “(III) Digital media.

16 “(iii) National membership organiza-
17 tions representing individuals with print
18 disabilities, including each of the following:

19 “(I) Individuals with visual im-
20 pairments.

21 “(II) Individuals with learning
22 disabilities related to reading.

23 “(iv) National organizations serving
24 individuals with visual impairments that
25 have demonstrated experience in tech-

1 nology evaluation research, academic pub-
2 lishing, production of material in accessible
3 formats, and educational methodologies for
4 such for individuals.

5 “(v) Post-secondary students with vis-
6 ual impairment;

7 “(vi) Post-secondary students with
8 dyslexia or other print disabilities; and

9 “(vii) Attorneys with expertise in
10 copyright law.

11 “(C) DATE.—The appointments of the
12 members of the Commission shall be made not
13 later than 45 days after the date of enactment
14 of this Act.

15 “(3) PERIOD OF APPOINTMENT; VACANCIES.—
16 Members shall be appointed for the life of the Com-
17 mission. Any vacancy in the Commission shall not
18 affect its powers, but shall be filled in the same
19 manner as the original appointment.

20 “(4) INITIAL MEETING.—Not later than 30
21 days after the date on which all members of the
22 Commission have been appointed, the Commission
23 shall hold the Commission’s first meeting.

24 “(5) MEETINGS.—The Commission shall meet
25 at the call of the Chairperson.

1 “(6) QUORUM.—A majority of the members of
2 the Commission shall constitute a quorum, but a
3 lesser number of members may hold hearings.

4 “(7) CHAIRPERSON AND VICE CHAIRPERSON.—
5 The Commission shall select a chairperson and vice
6 chairperson from among the members of the Com-
7 mission.

8 “(b) DUTIES OF THE COMMISSION.—

9 “(1) STUDY.—

10 “(A) IN GENERAL.—The Commission shall
11 conduct a thorough study to assess the barriers,
12 systemic issues, and technical solutions avail-
13 able which may affect or improve the timely de-
14 livery and quality of accessible instructional ma-
15 terials for post-secondary students, faculty, and
16 staff with print disabilities, and make rec-
17 ommendations related to such study.

18 “(B) EXISTING INFORMATION.—To the ex-
19 tent practicable, in carrying out the study
20 under this subsection, the Commission shall
21 identify and use existing research, recommenda-
22 tions and information from—

23 “(i) the Model Demonstration Pro-
24 grams to Support Improved Access to
25 Post-secondary Instructional Materials for

1 Students with Print Disabilities, as de-
2 scribed in section 766B;

3 “(ii) the Advisory Council of the Na-
4 tional Instructional Materials Access Cen-
5 ter as defined in section 674(e) of the Indi-
6 viduals with Disabilities Education Act;

7 “(iii) the Library of Congress Na-
8 tional Digital Information and Infrastruc-
9 ture Preservation Program Copyright
10 Working Group;

11 “(iv) Association of Higher Education
12 and Disabilities E-Text Solutions Working
13 Group;

14 “(v) Recording for the Blind and
15 Dyslexic’s Technology Advisory Committee;

16 “(vi) Association of American Pub-
17 lishers Higher Education Division’s Crit-
18 ical Issues Task Force; and

19 “(vii) other existing research related
20 to the creation and distribution of acces-
21 sible instructional materials for students
22 with print disabilities.

23 “(C) RECOMMENDATIONS.—The Commis-
24 sion shall develop recommendations to be used
25 to inform federal regulation and legislation, to

1 identify best practices for systems of creating,
2 collecting, maintaining, processing, and dissemi-
3 nating materials in specialized formats to eligi-
4 ble students, faculty, and staff while providing
5 adequate copyright protections. In developing
6 such recommendations, the Commission shall
7 consider—

8 “(i) how to ensure that students with
9 print disabilities may obtain instructional
10 materials in accessible formats with a
11 timeframe comparable to the availability of
12 materials for students without disabilities;

13 “(ii) the feasibility and technical pa-
14 rameters of establishing national standard-
15 ized electronic file formats such as, but not
16 limited to, the National Instructional Ma-
17 terials Accessibility Standard as defined in
18 section 674(e)(3)(B) of the Individuals
19 with Disabilities Education Act, to be pro-
20 vided by publishers of instructional mate-
21 rials to producers of specialized formats,
22 institutions of higher education, and eligi-
23 ble students;

24 “(iii) the feasibility of the establish-
25 ment of national clearinghouse, repository,

1 or file-sharing network for electronic files
2 in specialized formats and files used in
3 producing instructional materials in spe-
4 cialized formats and possible entities quali-
5 fied to administer such clearinghouse, re-
6 pository, or network;

7 “(iv) market-based solutions involving
8 collaborations between publishers of in-
9 structional materials, producers of special-
10 ized formats, and institutions of higher
11 education, including—

12 “(I) barriers and opportunities to
13 market entry;

14 “(II) unique concerns affecting
15 university presses, small publishers,
16 and solutions incorporating such
17 works into a shared system; and

18 “(III) solutions utilizing uni-
19 versal design;

20 “(v) solutions for low-incidence, high-
21 cost requests for materials in specialized
22 formats; and

23 “(vi) definitions of instructional mate-
24 rials, authorized entities, and eligible stu-
25 dents.

1 “(2) REPORT.—Not later than 24 months after
2 the first meeting, the Commission shall submit a re-
3 port to the Secretary and to Congress that shall con-
4 tain a detailed statement of the findings and conclu-
5 sions of the Commission resulting from the study,
6 together with the Commission’s recommendations for
7 such legislation and administrative actions as the
8 Commission considers to be appropriate.

9 “(3) FACILITATION OF EXCHANGE OF INFOR-
10 MATION.—In carrying out the study under sub-
11 section (a), the Commission shall, to the extent prac-
12 ticable, facilitate the exchange of information con-
13 cerning the issues that are the subject of the study
14 among—

15 “(A) officials of the Federal Government;

16 “(B) educators from Federal, State, and
17 local institutions of higher education and sec-
18 ondary schools;

19 “(C) publishers of instructional materials;

20 “(D) producers of materials in specialized
21 formats; and

22 “(E) representatives from the community
23 of individuals with print disabilities.

24 “(c) COMMISSION PERSONNEL MATTERS.—

1 “(1) COMPENSATION OF MEMBERS.—Each
2 member of the Commission who is not an officer or
3 employee of the Federal Government shall serve
4 without compensation. All members of the Commis-
5 sion who are officers or employees of the United
6 States shall serve without compensation in addition
7 to that received for their services as officers or em-
8 ployees of the United States.

9 “(2) TRAVEL EXPENSES.—The members of the
10 Commission shall be allowed travel expenses, includ-
11 ing per diem in lieu of subsistence, at rates author-
12 ized for employees of agencies under subchapter I of
13 chapter 57 of title 5, United States Code, while
14 away from their homes or regular places of business
15 in the performance of services for the Commission.

16 “(3) STAFF.—

17 “(A) IN GENERAL.—The Chairperson of
18 the Commission may, without regard to the civil
19 service laws and regulations, appoint and termi-
20 nate an executive director and such other addi-
21 tional personnel as may be necessary to enable
22 the Commission to perform the Commission’s
23 duties. The employment of an executive director
24 shall be subject to confirmation by the Commis-
25 sion.

1 “(B) COMPENSATION.—The Chairperson
2 of the Commission may fix the compensation of
3 the executive director and other personnel with-
4 out regard to the provisions of chapter 51 and
5 subchapter III of chapter 53 of title 5, United
6 States Code, relating to classification of posi-
7 tions and General Schedule pay rates, except
8 that the rate of pay for the executive director
9 and other personnel may not exceed the rate
10 payable for level V of the Executive Schedule
11 under section 5316 of such title.

12 “(4) DETAIL OF GOVERNMENT EMPLOYEES.—
13 Any Federal Government employee may be detailed
14 to the Commission without reimbursement, and such
15 detail shall be without interruption or loss of civil
16 service status or privilege.

17 “(5) PROCUREMENT OF TEMPORARY AND
18 INTERMITTENT SERVICES.—The Chairperson of the
19 Commission may procure temporary and intermit-
20 tent services under section 3109(b) of title 5, United
21 States Code, at rates for individuals that do not ex-
22 ceed the daily equivalent of the annual rate of basic
23 pay prescribed for level V of the Executive Schedule
24 under section 5316 of such title.

1 “(d) **TERMINATION OF THE COMMISSION.**—The
2 Commission shall terminate on the date that is 90 days
3 after the date on which the Commission submits the Com-
4 mission’s report under subsection (b)(2).

5 **“SEC. 766B. MODEL DEMONSTRATION PROGRAMS TO SUP-
6 PORT IMPROVED ACCESS TO POST-SEC-
7 ONDARY INSTRUCTIONAL MATERIALS FOR
8 STUDENTS WITH PRINT DISABILITIES.**

9 “(a) **PURPOSE.**—It is the purpose of this section to
10 support model demonstration programs to encourage the
11 development of systems to improve the timely delivery and
12 quality of post-secondary instructional materials in spe-
13 cialized formats to students with print disabilities, includ-
14 ing systems to improve efficiency and reduce duplicative
15 efforts across multiple institutions of higher education.

16 “(b) **IN GENERAL.**—The Secretary shall, on a com-
17 petitive basis, award grants to, and enter into cooperative
18 agreements with, a minimum of one partnership of two
19 or more eligible entities to support the activities described
20 in subsection (d) and (e).

21 “(c) **PARTNERSHIP OF ELIGIBLE ENTITIES.**—In this
22 section, a partnership of two or more eligible entities—

23 “(1) shall include—

24 “(A) an institution of higher education
25 with demonstrated expertise in meeting the

1 needs of students with print disabilities, includ-
2 ing retention and completion of such students;
3 and

4 “(B) a private entity with demonstrated
5 expertise in working with the creation of acces-
6 sible instructional materials in specialized for-
7 mats for postsecondary students with print dis-
8 abilities and the technical development expertise
9 necessary for the efficient dissemination of such
10 materials, including procedures to protect
11 against copyright infringement with respect to
12 the creation, use, and distribution of print
13 course materials in specialized formats; and

14 “(2) may include one or more publishers of in-
15 structional materials.

16 “(d) REQUIRED ACTIVITIES.—The Secretary shall
17 support the development and implementation of the fol-
18 lowing activities:

19 “(1) processes and systems to help identify, and
20 verify eligibility of, postsecondary students with
21 print disabilities in need of instructional materials in
22 specialized 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) development and implementation of proce-
4 dures and systems to coordinate between institutions
5 of higher education, publishers of instructional mate-
6 rials, and entities that produce materials in special-
7 ized formats, to efficiently facilitate requests for
8 such materials, the responses to such requests, and
9 the delivery of such materials;

10 “(4) delivery systems that will ensure the timely
11 provision of instructional materials in specialized
12 formats to eligible students, which may include elec-
13 tronic file distribution;

14 “(5) systems to encourage reduction of duplica-
15 tive conversions of the same instructional materials
16 for multiple eligible students at multiple institutions
17 of higher education when such conversions may be
18 shared;

19 “(6) procedures to protect against copyright in-
20 fringement with respect to the creation, use, and dis-
21 tribution of instructional materials while maintain-
22 ing accessibility for students with print disabilities,
23 which may include digital technologies such as
24 watermarking, fingerprinting, and other emerging
25 strategies;

1 “(7) awareness, outreach, and training activi-
2 ties for faculty, staff and students related to the ac-
3 quisition and dissemination of instructional mate-
4 rials in specialized formats and instructional mate-
5 rials utilizing universal design; and

6 “(8) guidance on how successful procedures and
7 systems as described in paragraphs (1) through (7)
8 could be disseminated and implemented on a na-
9 tional basis.

10 “(e) AUTHORIZED ACTIVITIES.—The Secretary may
11 support the development and implementation of the fol-
12 lowing activities:

13 “(1) approaches limited to instructional mate-
14 rials used in smaller categories of postsecondary
15 courses, such as introductory, first-, and second-year
16 courses;

17 “(2) market-based approaches for making in-
18 structional materials in specialized formats directly
19 available to eligible students at prices comparable to
20 standard instructional materials;

21 “(3) approaches supporting a unified search
22 across multiple databases or lists of available mate-
23 rials.

24 “(f) APPLICATION.—A partnership of eligible entities
25 that wishes to apply for the grant described shall submit

1 an application for such grant at such time, in such manner
2 and in such format as the Secretary may prescribe. The
3 application shall include information on how the partner-
4 ships will implement activities under subsection (d) and,
5 as applicable, subsection (e).

6 “(g) PRIORITY.—In awarding grants under this sec-
7 tion, the Secretary shall give priority consideration to any
8 applications that include development and implementation
9 of the activities described in subsection (e)(2) or (e)(3).

10 “(h) REPORT TO CONGRESS.— The Secretary shall
11 submit annually to the authorizing committees of the
12 House of Representatives and the Senate, a report that
13 includes—

14 “(1) the number of grants and the amount of
15 funds distributed under this section;

16 “(2) a summary of the purposes for which the
17 grants were provided and an evaluation of the
18 progress made under the grant;

19 “(3) a summary of the activities implemented
20 as described in subsection (d) and, as applicable,
21 subsection (e), including data on the number of stu-
22 dents served and the number of instructional mate-
23 rial requests executed and delivered in specialized
24 formats; and

1 “(4) an evaluation of the effectiveness of pro-
2 grams funded under this section.

3 “(i) MODEL EXPANSION.—After three years, the Sec-
4 retary shall review the results of the evaluations of partici-
5 pating partnerships, as well as the Commission report as
6 described in section 766A. If the Secretary finds that mod-
7 els used under this section are effective in improving the
8 timely delivery and quality of materials in specialized for-
9 mats and provide adequate protections against copyright
10 infringement, the Secretary may expand the demonstra-
11 tion program to additional grantees reflecting regional and
12 programmatic 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 distributiou of post-sec-
24 ondary instructional materials in accessible formats to stu-
25 dents with disabilities.

1 **“SEC. 766C. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to carry out this subpart such
3 sums as may be necessary for fiscal year 2009 and each
4 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
10 demonstration programs that promote the successful tran-
11 sition of students with intellectual disabilities into higher
12 education.

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
22 education; 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
26 disability’ means a student who meets the criteria

1 described 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 annu-
8 ally award grants, on a competitive basis, to institu-
9 tions of higher education (or consortia of institutions
10 of higher education), to create or expand high-qual-
11 ity, inclusive model comprehensive transition and
12 postsecondary programs for students with intellec-
13 tual disabilities.

14 “(2) DURATION OF GRANTS.—A grant under
15 this subsection shall be awarded for a period of 5
16 years.

17 “(b) APPLICATION.—An institution of higher edu-
18 cation (or a consortium) desiring a grant under this sec-
19 tion shall submit an application to the Secretary at such
20 time, in such manner, and containing such information as
21 the Secretary may require.

22 “(c) PREFERENCE.—In awarding grants under this
23 section, the Secretary shall give preference to institutions
24 of higher education (or consortia) that—

1 “(1) will carry out a model program under the
2 grant in a State that does not already have a com-
3 prehensive transition and postsecondary program for
4 students with intellectual disabilities; or

5 “(2) in the application submitted under sub-
6 section (b), agree to incorporate 1 or more the fol-
7 lowing elements into the model programs carried out
8 under the grant:

9 “(A) The formation of a partnership with
10 any relevant agency serving students with intel-
11 lectual disabilities, such as a vocational rehabili-
12 tation agency.

13 “(B) In the case of an institution of higher
14 education that provides institutionally owned or
15 operated housing for students attending the in-
16 stitution, the integration of students with intel-
17 lectual disabilities into such housing.

18 “(C) The involvement of students attend-
19 ing the institution of higher education who are
20 studying special education, general education,
21 vocational rehabilitation, assistive technology, or
22 related fields in the model program carried out
23 under the grant.

24 “(d) USE OF FUNDS.—An institution of higher edu-
25 cation (or consortium) receiving a grant under this section

1 shall use the grant funds to establish a model comprehen-
2 sive transition and postsecondary program for students
3 with intellectual disabilities that—

4 “(1) serves students with intellectual disabil-
5 ities, including students with intellectual disabilities
6 who are no longer eligible for special education and
7 related services under the Individuals with Disabil-
8 ities Education Act;

9 “(2) provides individual supports and services
10 for the academic and social inclusion of students
11 with intellectual disabilities in academic courses, ex-
12 tra-curricular activities, and other aspects of the in-
13 stitution of higher education’s regular postsecondary
14 program;

15 “(3) with respect to the students with intellec-
16 tual disabilities participating in the model program,
17 provides a focus on—

18 “(A) academic enrichment;

19 “(B) socialization;

20 “(C) independent living, including self-ad-
21 vocacy skills; and

22 “(D) integrated work experiences and ca-
23 reer skills that lead to gainful employment;

24 “(4) integrates person-centered planning in the
25 development of the course of study for each student

1 with an intellectual disability participating in the
2 model program;

3 “(5) participates with the coordinating center
4 established under section 770 in the evaluation of
5 the model program;

6 “(6) partners with 1 or more local educational
7 agencies to support the participation of students
8 with intellectual disabilities in the model program
9 who are still eligible for special education and re-
10 lated services under the Individuals with Disabilities
11 Education Act, including regarding the utilization of
12 funds available under part B of such Act for such
13 students;

14 “(7) plans for the sustainability of the model
15 program after the end of the grant period; and

16 “(8) creates and offers a meaningful credential
17 for students with intellectual disabilities upon the
18 completion of the model program.

19 “(e) MATCHING REQUIREMENT.—An institution of
20 higher education that receives a grant under this section
21 shall provide toward the cost of the model comprehensive
22 transition and postsecondary program for students with
23 intellectual disabilities carried out under the grant, match-
24 ing funds, which may be provided in cash or in-kind, in

1 an amount not less than 25 percent of the amount of such
2 grant funds.

3 “(f) 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 to the authorizing committees and to the public
7 that reviews the activities of the model comprehensive
8 transition and postsecondary programs for students with
9 intellectual disabilities authorized under this subpart and
10 provides guidance and recommendations on how successful
11 programs can be replicated.

12 **“SEC. 770. COORDINATING CENTER FOR TECHNICAL AS-**
13 **SISTANCE, EVALUATION, AND DEVELOPMENT**
14 **OF ACCREDITATION STANDARDS.**

15 “(a) IN GENERAL.—

16 “(1) AWARD.—The Secretary shall, on a com-
17 petitive basis, enter into a cooperative agreement
18 with an eligible entity, for the purpose of estab-
19 lishing a coordinating center for technical assistance,
20 evaluation, and development of accreditation stand-
21 ards for institutions of higher education that offer
22 inclusive model comprehensive transition and post-
23 secondary programs for students with intellectual
24 disabilities.

1 “(2) DURATION.—The cooperative agreement
2 under this section shall be for a period of 5 years.

3 “(b) REQUIREMENTS OF COOPERATIVE AGREE-
4 MENT.—The eligible entity entering into a cooperative
5 agreement under this section shall establish and maintain
6 a center that shall—

7 “(1) serve as the technical assistance entity for
8 all model comprehensive transition and postsec-
9 ondary programs for students with intellectual dis-
10 abilities assisted under section 769;

11 “(2) provide technical assistance regarding the
12 development, evaluation, and continuous improve-
13 ment of such programs;

14 “(3) develop an evaluation protocol for such
15 programs that includes qualitative and quantitative
16 methodology measuring student outcomes and pro-
17 gram strengths in the areas of academic enrichment,
18 socialization, independent living, and competitive or
19 supported employment;

20 “(4) assist recipients of grants under section
21 769 in efforts to award a meaningful credential to
22 students with intellectual disabilities upon the com-
23 pletion of such programs, which credential takes into
24 consideration unique State factors;

1 “(5) develop model criteria, standards, and pro-
2 cedures to be used in accrediting such programs
3 that—

4 “(A) include, in the development of the
5 model criteria, standards, and procedures for
6 such programs, the participation of—

7 “(i) an expert in higher education;

8 “(ii) an expert in special education;

9 “(iii) a disability organization that
10 represents students with intellectual dis-
11 abilities; and

12 “(iv) a State, regional, or national ac-
13 crediting agency or association recognized
14 by the Secretary under subpart 2 of part
15 H of title IV; and

16 “(B) define the necessary components of
17 such programs, such as—

18 “(i) academic, vocational, social, and
19 independent living skills;

20 “(ii) evaluation of student progress;

21 “(iii) program administration and
22 evaluation;

23 “(iv) student eligibility; and

24 “(v) issues regarding the equivalency
25 of a student’s participation in such pro-

1 grams to semester, trimester, quarter,
2 credit, or clock hours at an institution of
3 higher education, as the case may be;

4 “(6) analyze possible funding streams for such
5 programs and provide recommendations regarding
6 the funding streams;

7 “(7) develop model memoranda of agreement
8 between institutions of higher education and agen-
9 cies providing funding for such programs;

10 “(8) develop mechanisms for regular commu-
11 nication between the recipients of grants under sec-
12 tion 769 regarding such programs; and

13 “(9) host a meeting of all recipients of grants
14 under section 769 not less often than once a year.

15 “(c) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
16 tion, the term ‘eligible entity’ means an entity, or a part-
17 nership of entities, that has demonstrated expertise in the
18 fields of higher education, students with intellectual dis-
19 abilities, the development of comprehensive transition and
20 postsecondary programs for students with intellectual dis-
21 abilities, evaluation, and technical assistance.

22 **“SEC. 770A. AUTHORIZATION OF APPROPRIATIONS.**

23 “‘There are authorized to be appropriated such sums
24 as may be necessary to carry out this subpart for fiscal
25 year 2009 and each of the 4 succeeding fiscal years.’”.

1 (f) CONFORMING AMENDMENTS.—Part D of title VII
2 (20 U.S.C. 1140 et seq.) is further amended—

3 (1) in section 761, by striking “part” and in-
4 serting “subpart”;

5 (2) in section 762 (as amended by subsection
6 (a)), by striking “part” each place the term appears
7 and inserting “subpart”;

8 (3) in section 763, by striking “part” both
9 places the term appears and inserting “subpart”;

10 (4) in section 764, by striking “part” and in-
11 serting “subpart”; and

12 (5) in section 765, by striking “part” and in-
13 serting “subpart”.

14 **SEC. 708. SUBGRANTS TO NONPROFIT ORGANIZATIONS.**

15 Section 771(e) (20 U.S.C. 1141(e)), as added by sec-
16 tion 802 of the College Cost Reduction and Access Act
17 of 2007, is amended by inserting after “of this Act)” the
18 following: “, or those who have agreements with the Sec-
19 retary under 435(d)(5)(J),”.

20 **SEC. 709. NURSING EDUCATION.**

21 Title VII (20 U.S.C. 1133 et seq.) is further amended
22 by adding at the end the following new part:

1 **“PART F—NURSING EDUCATION**

2 **“SEC. 776. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR**
3 **GRADUATE-LEVEL NURSING STUDENTS.**

4 “(a) AUTHORIZATION.—The Secretary shall award
5 grants to institutions of higher education that offer—

6 “(1) a R.N. nursing program at the bacca-
7 laureate or associate degree level to enable such pro-
8 gram to expand the faculty and facilities of such
9 program to accommodate additional R.N. nursing
10 program students; or

11 “(2) a graduate-level nursing program to ac-
12 commodate advanced practice degrees for R.N.s or
13 to accommodate students enrolled in a graduate-level
14 nursing program to provide teachers of nursing stu-
15 dents.

16 “(b) DETERMINATION OF NUMBER OF STUDENTS
17 AND APPLICATION.—Each institution of higher education
18 that offers a program described in subsection (a) that de-
19 sires to receive a grant under this section shall—

20 “(1) determine for the 4 academic years pre-
21 ceding the academic year for which the determina-
22 tion is made the average number of matriculated
23 nursing program students at such institution for
24 such academic years; and

25 “(2) submit an application to the Secretary at
26 such time, in such manner, and accompanied by

1 such information as the Secretary may require, in-
2 cluding the average number determined under para-
3 graph (1).

4 “(c) GRANT AMOUNT; AWARD BASIS.—

5 “(1) GRANT AMOUNT.—For each academic year
6 after academic year 2008–2009, the Secretary is au-
7 thorized to provide to each institution of higher edu-
8 cation awarded a grant under this section an
9 amount that is equal to \$3,000 multiplied by the
10 number of matriculated nursing program students at
11 such institution for such academic year that is more
12 than the average number determined with respect to
13 such institution under subsection (b)(1). Such
14 amount shall be used for the purposes described in
15 subsection (a).

16 “(2) DISTRIBUTION OF GRANTS AMONG DIF-
17 FERENT DEGREE PROGRAMS.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), from the funds available to award
20 grants under this section for each fiscal year,
21 the Secretary shall—

22 “(i) use 20 percent of such funds to
23 award grants under this section to institu-
24 tions of higher education for the purpose
25 of accommodating advanced practice de-

1 grees or students in graduate-level nursing
2 programs;

3 “(ii) use 40 percent of such funds to
4 award grants under this section to institu-
5 tions of higher education for the purpose
6 of expanding R.N. nursing programs at the
7 baccalaureate degree level; and

8 “(iii) use 40 percent of such funds to
9 award grants under this section to institu-
10 tions of higher education for the purpose
11 of expanding R.N. nursing programs at the
12 associate degree level.

13 “(B) DISTRIBUTION OF EXCESS FUNDS.—
14 If, for a fiscal year, funds described in clause
15 (i), (ii), or (iii) of subparagraph (A) remain
16 after the Secretary awards grants under this
17 section to all applicants for the particular cat-
18 egory of nursing programs described in such
19 clause, the Secretary shall use equal amounts of
20 the remaining funds to award grants under this
21 section to applicants for the remaining cat-
22 egories of nursing programs.

23 “(C) EQUITABLE DISTRIBUTION.—In
24 awarding grants under this section, the Sec-
25 retary shall, to the extent practicable, ensure—

1 “(i) an equitable geographic distribu-
2 tion of the grants among the States; and

3 “(ii) an equitable distribution of the
4 grants among different types of institu-
5 tions of higher education.

6 “(d) PROHIBITION.—

7 “(1) IN GENERAL.—Funds provided under this
8 section may not be used for the construction of new
9 facilities.

10 “(2) RULE OF CONSTRUCTION.—Nothing in
11 paragraph (1) shall be construed to prohibit funds
12 provided under this section from being used for the
13 repair or renovation of facilities.

14 **“SEC. 777. NURSE FACULTY PILOT PROJECT.**

15 “(a) PURPOSES.—The purposes of this section are to
16 create a pilot program—

17 “(1) to provide scholarships to qualified nurses
18 in pursuit of an advanced degree with the goal of be-
19 coming faculty members in an accredited nursing
20 program; and

21 “(2) to provide grants to partnerships between
22 accredited schools of nursing and hospitals or health
23 facilities to fund release time for qualified nurse em-
24 ployees, so that those employees can earn a salary

1 while obtaining an advanced degree in nursing with
2 the goal of becoming nurse faculty.

3 “(b) ASSISTANCE AUTHORIZED.—

4 “(1) COMPETITIVE GRANTS AUTHORIZED.—The
5 Secretary may, on a competitive basis, award grants
6 to, and enter into contracts and cooperative agree-
7 ments with, partnerships composed of an accredited
8 school of nursing at an institution of higher edu-
9 cation and a hospital or health facility to establish
10 not more than 5 pilot projects to enable such hos-
11 pital or health facility to retain its staff of experi-
12 enced nurses while providing a mechanism to have
13 these individuals become, through an accelerated
14 nursing education program, faculty members of an
15 accredited school of nursing.

16 “(2) DURATION; EVALUATION AND DISSEMINA-
17 TION.—

18 “(A) DURATION.—Grants under this sec-
19 tion shall be awarded for a period of 3 to 5
20 years.

21 “(B) MANDATORY EVALUATION AND DIS-
22 SEMINATION.—Grants under this section shall
23 be primarily used for evaluation, and dissemina-
24 tion to other institutions of higher education, of

1 the information obtained through the activities
2 described in subsection (a)(2).

3 “(3) CONSIDERATIONS IN MAKING AWARDS.—
4 In awarding grants and entering into contracts and
5 cooperative agreements under this section, the Sec-
6 retary shall consider the following:

7 “(A) GEOGRAPHIC DISTRIBUTION.—Pro-
8 viding an equitable geographic distribution of
9 such grants.

10 “(B) RURAL AND URBAN AREAS.—Distrib-
11 uting such grants to urban and rural areas.

12 “(C) RANGE AND TYPE OF INSTITUTION.—
13 Ensuring that the activities to be assisted are
14 developed for a range of types and sizes of in-
15 stitutions of higher education.

16 “(D) PRIOR EXPERIENCE OR EXCEP-
17 TIONAL PROGRAMS.—Institutions of higher edu-
18 cation with demonstrated prior experience in
19 providing advanced nursing education programs
20 to prepare nurses interested in pursuing a fac-
21 ulty role.

22 “(4) USES OF FUNDS.—Funds made available
23 by grant, contract, or cooperative agreement under
24 this section may be used—

1 “(A) to develop a new national demonstra-
2 tion initiative to align nursing education with
3 the emerging challenges of healthcare delivery;
4 and

5 “(B) for any one or more of the following
6 innovations in educational programs:

7 “(i) to develop a clinical simulation
8 laboratory in a hospital, health facility, or
9 accredited school of nursing;

10 “(ii) to purchase distance learning
11 technologies;

12 “(iii) to fund release time for qualified
13 nurses enrolled in the graduate nursing
14 program;

15 “(iv) to provide for faculty salaries;
16 and

17 “(v) to collect and analyze data on
18 educational outcomes.

19 “(c) APPLICATIONS.—Each partnership desiring to
20 receive a grant, contract, or cooperative agreement under
21 this section shall submit an application to the Secretary
22 at such time, in such manner, and accompanied by such
23 information as the Secretary may require. Each applica-
24 tion shall include assurances that—

1 “(1) the individuals enrolled in the program will
2 be qualified nurses in pursuit of a master’s or doc-
3 toral degree in nursing and have a contractual obli-
4 gation with the hospital or health facility that is in
5 partnership with the institution of higher education;

6 “(2) the hospital or health facility of employ-
7 ment would be the clinical site for the accredited
8 school of nursing program;

9 “(3) individuals enrolled in the program will
10 maintain their employment on a part-time basis with
11 the hospital or health facility that allowed them to
12 participate in the program, and will receive an in-
13 come from the hospital or health facility, as a part-
14 time employee, and release times or flexible sched-
15 ules to accommodate their class schedule; and

16 “(4) upon completion of the program, such indi-
17 viduals will be required to teach for 2 years in an
18 accredited school of nursing for each year of support
19 the individual received under this program.

20 “(d) DEFINITION.—For purposes of this section, the
21 term ‘health facility’ means an Indian Health Service
22 health service center, a Native Hawaiian health center, a
23 hospital, a Federally qualified health center, a rural health
24 clinic, a nursing home, a home health agency, a hospice
25 program, a public health clinic, a State or local depart-

1 ment of public health, a skilled nursing facility, or ambula-
2 tory surgical center.

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 not more than \$10,000,000 for fiscal year 2009 and such
6 sums as may be necessary for each of the 4 succeeding
7 fiscal years.”.

8 **SEC. 710. NATIONAL STUDY ON HIGHER EDUCATION AC-**
9 **CESS AND SUCCESS FOR STUDENTS WITH**
10 **DISABILITIES.**

11 (a) STUDY.—The Comptroller General shall conduct
12 a study of the barriers to, and opportunities for, the full
13 participation of students with disabilities in institutions of
14 higher education. The study shall address—

15 (1) the extent to which, and manner in which,
16 students with disabilities are—

17 (A) prepared to participate in post-sec-
18 ondary education upon enrollment;

19 (B) applying to different types of institu-
20 tions of higher education;

21 (C) accepted into different types of institu-
22 tions of higher education;

23 (D) enrolling in and attending different
24 types of institutions of higher education;

25 (E) utilizing financial aid programs; and

1 (F) completing programs of study at dif-
2 ferent types of institutions of higher education;

3 (2) factors that influence the accessibility of
4 higher education for a broad spectrum of students
5 with different disabilities, including—

6 (A) physical access;

7 (B) communication and outreach, includ-
8 ing websites, admissions information, financial
9 aid information, and other general information
10 in accessible formats;

11 (C) availability of accessible instructional
12 materials in a timely manner;

13 (D) financial factors; and

14 (E) eligibility for, and ability to access,
15 adequate support services;

16 (3) the effectiveness and capacity of disability
17 support services in helping to recruit, retain, and
18 support students with disabilities to complete their
19 programs of study, and the role of disability support
20 services relative to other departments in institutions
21 of higher education, including—

22 (A) the number of staff working in dis-
23 ability support services offices;

24 (B) the budgets of disability support serv-
25 ices offices; and

1 (C) the placement of the disability support
2 services offices within the administrative struc-
3 ture of the institutions of higher education;

4 (4) the extent to which institutions of higher
5 education provide assistance to students with disabil-
6 ities to coordinate with, and receive services from,
7 other support programs that may be available to
8 such students, including services provided by local
9 educational agencies, vocational rehabilitation agen-
10 cies, Social Security, Medicaid, and other Federal,
11 State, and local programs; and

12 (5) in institutions of higher education that have
13 been effective in recruiting and graduating students
14 with disabilities, the factors that may have contrib-
15 uted to such effectiveness, including—

16 (A) faculty and staff preparation related to
17 working with students with disabilities;

18 (B) program characteristics;

19 (C) accommodations and supports avail-
20 able; and

21 (D) any other relevant factors.

22 (b) REPORT.—The Comptroller General shall submit
23 a report regarding the results of the study under sub-
24 section (a) to the authorizing committees (as defined in
25 section 103 of the Higher Education Act of 1965 (20

1 U.S.C. 1003) no later than 24 months after the date of
2 the enactment of this Act.

3 **TITLE VIII—ADDITIONAL**
4 **PROGRAMS**

5 **SEC. 801. ADDITIONAL PROGRAMS.**

6 The Higher Education Act of 1965 is further amend-
7 ed by adding at the end the following new title:

8 **“TITLE VIII—ADDITIONAL**
9 **PROGRAMS**

10 **“SEC. 800. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to carry out
12 this title such sums as may be necessary for fiscal year
13 2009 and each of the 4 succeeding fiscal years.

14 **“PART A—LOW TUITION**

15 **“SEC. 801. INCENTIVES AND REWARDS FOR LOW TUITION.**

16 “(a) REWARDS FOR LOW TUITION.—

17 “(1) COMPETITIVE GRANTS.—The Secretary
18 shall award grants on a competitive basis to institu-
19 tions of higher education that, for academic year
20 2008–2009 or any succeeding academic year, have
21 an annual net tuition increase (expressed as a per-
22 centage) for the most recent academic year for
23 which satisfactory data is available that is equal to
24 or less than the percentage change in the higher
25 education price index for such academic year.

1 “(2) USE OF FUNDS.—Funds awarded to an in-
2 stitution of higher education under paragraph (1)
3 shall be distributed by the institution in the form of
4 need-based grant aid to students who are eligible for
5 Federal Pell Grants, except that no student shall re-
6 ceive an amount under this section that would cause
7 the amount of total financial aid received by such
8 student to exceed the cost of attendance of the insti-
9 tution.

10 “(b) REWARDS FOR GUARANTEED TUITION.—

11 “(1) BONUS.—For each institution of higher
12 education that the Secretary of Education deter-
13 mines complies with the requirements of paragraph
14 (2) or (3) of this subsection, the Secretary shall pro-
15 vide to such institution a bonus amount. Such insti-
16 tution shall award the bonus amount first to stu-
17 dents who are eligible for Federal Pell Grants who
18 were in attendance at the institution during the
19 award year that such institution satisfied the eligi-
20 bility criteria for maintaining low tuition and fees,
21 then to students who are eligible for Federal Pell
22 Grants who were not in attendance at the institution
23 during such award year, in the form of need-based
24 aid.

1 “(2) 4-YEAR INSTITUTIONS.—An institution of
2 higher education that provides a program of instruc-
3 tion for which it awards a bachelor’s degree complies
4 with the requirements of this paragraph if such in-
5 stitution guarantees that for any academic year be-
6 ginning on or after July 1, 2008, and for each of the
7 4 succeeding continuous academic years, the net tui-
8 tion charged to an undergraduate student will not
9 exceed—

10 “(A) the amount that the student was
11 charged for an academic year at the time he or
12 she first enrolled in the institution of higher
13 education, plus

14 “(B) the product of the percentage in-
15 crease in the higher education price index for
16 the prior academic year, or the most recent
17 prior academic year for which data is available,
18 multiplied by the amount determined under
19 subparagraph (A).

20 “(3) LESS-THAN 4-YEAR INSTITUTIONS.—An
21 institution of higher education that does not provide
22 a program of instruction for which it awards a bach-
23 elor’s degree complies with the requirements of this
24 paragraph if such institution guarantees that for
25 any academic year (or the equivalent) beginning on

1 or after July 1, 2008, and for each of the 1.5 suc-
2 ceeding continuous academic years, the net tuition
3 charged to an undergraduate student will not ex-
4 ceed—

5 “(A) the amount that the student was
6 charged for an academic year at the time he or
7 she first enrolled in the institution of higher
8 education, plus

9 “(B) the product of the percentage in-
10 crease in the higher education price index for
11 the prior academic year, or the most recent
12 prior academic year for which data is available,
13 multiplied by the amount determined under
14 subparagraph (A).

15 “(c) MAINTAINING AFFORDABLE TUITION.—

16 “(1) INSTITUTION REPORTS.—If an institution
17 of higher education has an increase in annual net
18 tuition (expressed as a percentage), for the most re-
19 cent academic year for which satisfactory data is
20 available, that is greater than the percentage in-
21 crease in the higher education price index for such
22 academic year, the institution or a representative as-
23 sociation is required to submit to the Secretary the
24 following information, within 6 months of such de-
25 termination—

1 “(A) a report on the factors contributing
2 to the increase in the institution’s costs and the
3 increase in net tuition and fees charged to stu-
4 dents, including identification of the major
5 areas in the institution’s budget with the great-
6 est cost increases;

7 “(B) the institution’s 3 most recent Form
8 990s submitted to the Internal Revenue Serv-
9 ice, as required under section 6033 of the Inter-
10 nal Revenue Code of 1986;

11 “(C) a description of the major areas of
12 expenditures in the institution’s budget with the
13 greatest increase for such academic year; and

14 “(D) actions being taken by the institution
15 to reduce net tuition.

16 “(2) REPORT TO CONGRESS.—The Secretary
17 shall compile the information submitted under this
18 subsection and shall provide to the relevant author-
19 izing committees an annual report relating to such
20 information.

21 “(d) DEFINITIONS.—In this section:

22 “(1) NET TUITION.—The term ‘net tuition’
23 mans the average tuition and fees charged to a full-
24 time undergraduate student by an institution of
25 higher education for an academic year, minus the

1 average grant amount received by such a student for
2 such academic year.

3 “(2) HIGHER EDUCATION PRICE INDEX.—The
4 term ‘higher education price index’ means the higher
5 education price index developed pursuant to section
6 133(b).

7 **“PART B—COOPERATIVE EDUCATION**

8 **“SEC. 811. STATEMENT OF PURPOSE; DEFINITION.**

9 “(a) PURPOSE.—It is the purpose of this part to
10 award grants to institutions of higher education or com-
11 binations of such institutions to encourage such institu-
12 tions to develop and make available to as many of their
13 students as possible work experience that will aid such stu-
14 dents in future careers and will enable such students to
15 support themselves financially while in school.

16 “(b) DEFINITION.—For the purpose of this part the
17 term ‘cooperative education’ means the provision of alter-
18 nating or parallel periods of academic study and public
19 or private employment in order to give students work expe-
20 riences related to their academic or occupational objectives
21 and an opportunity to earn the funds necessary for con-
22 tinuing and completing their education.

1 **“SEC. 812. RESERVATIONS.**

2 “(a) RESERVATIONS.—Of the amount appropriated
3 to carry out this part under section 800 in each fiscal
4 year—

5 “(1) not less than 50 percent shall be available
6 for carrying out grants to institutions of higher edu-
7 cation and combinations of such institutions de-
8 scribed in section 813(a)(1)(A) for cooperative edu-
9 cation under section 833;

10 “(2) not less than 25 percent shall be available
11 for carrying out grants to institutions of higher edu-
12 cation described in section 813(a)(1)(B) for coopera-
13 tive education under section 813;

14 “(3) not to exceed 11 percent shall be available
15 for demonstration projects under paragraph (1) of
16 section 814(a);

17 “(4) not to exceed 11 percent shall be available
18 for training and resource centers under paragraph
19 (2) of section 814(a); and

20 “(5) not to exceed 3 percent shall be available
21 for research under paragraph (3) of section 814(a).

22 “(b) AVAILABILITY OF APPROPRIATIONS.—Appro-
23 priations under this part shall not be available for the pay-
24 ment of compensation of students for employment by em-
25 ployers under arrangements pursuant to this part.

1 **“SEC. 813. GRANTS FOR COOPERATIVE EDUCATION.**

2 “(a) GRANTS AUTHORIZED.—

3 “(1) IN GENERAL.—The Secretary is author-
4 ized, from the amount available to carry out this
5 part under section 800 in each fiscal year and in ac-
6 cordance with the provisions of this part—

7 “(A) to make grants to institutions of
8 higher education or combinations of such insti-
9 tutions that have not received a grant under
10 this paragraph in the 10-year period preceding
11 the date for which a grant under this section is
12 requested to pay the Federal share of the cost
13 of planning, establishing, expanding, or car-
14 rying out programs of cooperative education by
15 such institutions or combinations of institu-
16 tions; and

17 “(B) to make grants to institutions of
18 higher education that are operating an existing
19 cooperative education program as determined
20 by the Secretary to pay the cost of planning, es-
21 tablishing, expanding, or carrying out programs
22 of cooperative education by such institutions.

23 “(2) PROGRAM REQUIREMENT.—Cooperative
24 education programs assisted under this section shall
25 provide alternating or parallel periods of academic
26 study and of public or private employment, giving

1 students work experience related to their academic
2 or occupational objectives and the opportunity to
3 earn the funds necessary for continuing and com-
4 pleting their education.

5 “(3) AMOUNT OF GRANTS.—

6 “(A) The amount of each grant awarded
7 pursuant to paragraph (1)(A) to any institution
8 of higher education or combination of such in-
9 stitutions in any fiscal year shall not exceed
10 \$500,000.

11 “(B)(i) Except as provided in clauses (ii)
12 and (iii), the Secretary shall award grants in
13 each fiscal year to each institution of higher
14 education described in paragraph (1)(B) that
15 has an application approved under subsection
16 (b) in an amount which bears the same ratio to
17 the amount reserved pursuant to section
18 812(a)(2) for such fiscal year as the number of
19 unduplicated students placed in cooperative
20 education jobs during the preceding fiscal year
21 (other than cooperative education jobs under
22 section 814 and as determined by the Sec-
23 retary) by such institution of higher education
24 bears to the total number of all such students

1 placed in such jobs during the preceding fiscal
2 year by all such institutions.

3 “(ii) No institution of higher education
4 shall receive a grant pursuant to paragraph
5 (1)(B) in any fiscal year in an amount which
6 exceeds 25 percent of such institution’s cooper-
7 ative education program’s personnel and oper-
8 ating budget for the preceding fiscal year.

9 “(iii) The minimum annual grant amount
10 which an institution of higher education is eligi-
11 ble to receive under paragraph (1)(B) is \$1,000
12 and the maximum annual grant amount is
13 \$75,000.

14 “(4) LIMITATION.—The Secretary shall not
15 award grants pursuant to paragraphs (1)(A) and
16 (B) to the same institution of higher education or
17 combination of such institution in any one fiscal
18 year.

19 “(5) USES.—Grants under paragraph (1)(B)
20 shall be used exclusively—

21 “(A) to expand the quality of and partici-
22 pation in a cooperative education program;

23 “(B) for outreach in new curricular areas;
24 and

1 “(C) for outreach to potential participants
2 including underrepresented and nontraditional
3 populations.

4 “(b) APPLICATIONS.—Each institution of higher edu-
5 cation or combination of such institutions desiring to re-
6 ceive a grant under this section shall submit an application
7 to the Secretary at such time and in such manner as the
8 Secretary shall prescribe. Each such application shall—

9 “(1) set forth the program or activities for
10 which a grant is authorized under this section;

11 “(2) specify each portion of such program or
12 activities which will be performed by a nonprofit or-
13 ganization or institution other than the applicant
14 and the compensation to be paid for such perform-
15 ance;

16 “(3) provide that the applicant will expend dur-
17 ing such fiscal year for the purpose of such program
18 or activities not less than the amount expended for
19 such purpose during the previous fiscal year;

20 “(4) describe the plans which the applicant will
21 carry out to assure, and contain a formal statement
22 of the institution’s commitment which assures, that
23 the applicant will continue the cooperative education
24 program beyond the 5-year period of Federal assist-
25 ance described in subsection (c)(1) at a level which

1 is not less than the total amount expended for such
2 program during the first year such program was as-
3 sisted under this section;

4 “(5) provide that, in the case of an institution
5 of higher education that provides a 2-year program
6 which is acceptable for full credit toward a bach-
7 elor’s degree, the cooperative education program will
8 be available to students who are certificate or asso-
9 ciate degree candidates and who carry at least one-
10 half the normal full-time academic workload;

11 “(6) provide that the applicant will—

12 “(A) make such reports as may be essen-
13 tial to ensure that the applicant is complying
14 with the provisions of this section, including the
15 reports for the second and each succeeding fis-
16 cal year for which the applicant receives a grant
17 with respect to the impact of the cooperative
18 education program in the previous fiscal year,
19 including—

20 “(i) the number of unduplicated stu-
21 dent applicants in the cooperative edu-
22 cation program;

23 “(ii) the number of unduplicated stu-
24 dents placed in cooperative education jobs;

1 “(iii) the number of employers who
2 have hired cooperative education students;

3 “(iv) the income for students derived
4 from working in cooperative education
5 jobs; and

6 “(v) the increase or decrease in the
7 number of unduplicated students placed in
8 cooperative education jobs in each fiscal
9 year compared to the previous fiscal year;
10 and

11 “(B) keep such records as are essential to
12 ensure that the applicant is complying with the
13 provisions of this part, including the notation of
14 cooperative education employment on the stu-
15 dent’s transcript;

16 “(7) describe the extent to which programs in
17 the academic discipline for which the application is
18 made have had a favorable reception by public and
19 private sector employers;

20 “(8) describe the extent to which the institution
21 is committed to extending cooperative education on
22 an institution-wide basis for all students who can
23 benefit;

1 “(9) describe the plans that the applicant will
2 carry out to evaluate the applicant’s cooperative edu-
3 cation program at the end of the grant period;

4 “(10) provide for such fiscal control and fund
5 accounting procedures as may be necessary to assure
6 proper disbursement of, and accounting for, Federal
7 funds paid to the applicant under this part;

8 “(11) demonstrate a commitment to serving all
9 underserved populations; and

10 “(12) include such other information as is es-
11 sential to carry out the provisions of this part.

12 “(c) DURATION OF GRANTS; FEDERAL SHARE.—

13 “(1) DURATION OF GRANTS.—No individual in-
14 stitution of higher education may receive, individ-
15 ually or as a participant in a combination of such in-
16 stitutions—

17 “(A) a grant pursuant to subsection
18 (a)(1)(A) for more than 5 fiscal years; or

19 “(B) a grant pursuant to subsection
20 (a)(1)(B) for more than 5 fiscal years.

21 “(2) FEDERAL SHARE.—The Federal share of a
22 grant under subsection (a)(1)(A) may not exceed—

23 “(A) 85 percent of the cost of carrying out
24 the program or activities described in the appli-

1 cation in the first year the applicant receives a
2 grant under this section;

3 “(B) 70 percent of such cost in the second
4 such year;

5 “(C) 55 percent of such cost in the third
6 such year;

7 “(D) 40 percent of such cost in the fourth
8 such year; and

9 “(E) 25 percent of such cost in the fifth
10 such year.

11 “(3) SPECIAL RULE.—Any provision of law to
12 the contrary notwithstanding, the Secretary shall not
13 waive the provisions of this subsection.

14 “(d) MAINTENANCE OF EFFORT.—If the Secretary
15 determines that a recipient of funds under this section has
16 failed to maintain the fiscal effort described in subsection
17 (b)(3), then the Secretary may elect not to make grant
18 payments under this section to such recipient.

19 “(e) FACTORS FOR SPECIAL CONSIDERATION OF AP-
20 PPLICATIONS.—

21 “(1) IN GENERAL.—In approving applications
22 under this section, the Secretary shall give special
23 consideration to applications from institutions of
24 higher education or combinations of such institu-

1 tions for programs which show the greatest promise
2 of success because of—

3 “(A) the extent to which programs in the
4 academic discipline with respect to which the
5 application is made have had a favorable recep-
6 tion by public and private sector employers;

7 “(B) the strength of the commitment of
8 the institution of higher education or combina-
9 tion of such institutions to cooperative edu-
10 cation as demonstrated by the plans and for-
11 malized institutional commitment statement
12 which such institution or combination has made
13 to continue the program after the termination
14 of Federal financial assistance,

15 “(C) the extent to which the institution or
16 combination is committed to extending coopera-
17 tive education for all students who can benefit,
18 and

19 “(D) such other factors as are consistent
20 with the purposes of this section.

21 “(2) ADDITIONAL SPECIAL CONSIDERATION.—
22 The Secretary shall also give special consideration to
23 applications from institutions of higher education or
24 combinations of such institutions which demonstrate

1 a commitment to serving all underserved popu-
2 lations.

3 **“SEC. 814. DEMONSTRATION AND INNOVATION PROJECTS;**
4 **TRAINING AND RESOURCE CENTERS; AND RE-**
5 **SEARCH.**

6 “(a) AUTHORIZATION.—The Secretary is authorized,
7 in accordance with the provisions of this section, to make
8 grants and enter into contracts for—

9 “(1) the conduct of demonstration projects de-
10 signed to demonstrate or determine the feasibility or
11 value of innovative methods of cooperative education
12 from the amounts available in each fiscal year under
13 section 812(a)(3);

14 “(2) the conduct of training and resource cen-
15 ters designed to—

16 “(A) train personnel in the field of cooper-
17 ative education;

18 “(B) improve materials used in cooperative
19 education programs if such improvement is con-
20 ducted in conjunction with other activities de-
21 scribed in this paragraph;

22 “(C) furnish technical assistance to institu-
23 tions of higher education to increase the poten-
24 tial of the institution to continue to conduct a

1 cooperative education program without Federal
2 assistance;

3 “(D) encourage model cooperative edu-
4 cation programs which furnish education and
5 training in occupations in which there is a na-
6 tional need;

7 “(E) support partnerships under which an
8 institution carrying out a comprehensive cooper-
9 ative education program joins with one or more
10 institutions of higher education in order to (i)
11 assist the institution other than the comprehen-
12 sive cooperative education institution to develop
13 and expand an existing program of cooperative
14 education, or (ii) establish and improve or ex-
15 pand comprehensive cooperative education pro-
16 grams; and

17 “(F) encourage model cooperative edu-
18 cation programs in the fields of science and
19 mathematics for women and minorities who are
20 underrepresented in such fields

21 from the amounts available in each fiscal year under
22 section 812(a)(4); and

23 “(3) the conduct of research relating to cooper-
24 ative education, from the amounts available in each
25 fiscal year under section 812(a)(5).

1 “(b) ADMINISTRATIVE PROVISION.—

2 “(1) IN GENERAL.—To carry out this section,
3 the Secretary may—

4 “(A) make grants to or contracts with in-
5 stitutions of higher education, or combinations
6 of such institutions; and

7 “(B) make grants to or contracts with
8 other public or private nonprofit agencies or or-
9 ganizations, whenever such grants or contracts
10 will make an especially significant contribution
11 to attaining the objectives of this section.

12 “(2) LIMITATION.—

13 “(A) The Secretary may not use more than
14 3 percent of the amount appropriated to carry
15 out this section in each fiscal year to enter into
16 contracts described in paragraph (1)(A).

17 “(B) The Secretary may use not more
18 than 3 percent of the amount appropriated to
19 carry out this section in each fiscal year to
20 enter into contracts described in paragraph
21 (1)(B).

22 “(c) SUPPLEMENT NOT SUPPLANT.—A recipient of
23 a grant or contract under this section may use the funds
24 provided only so as to supplement and, to the extent pos-
25 sible, increase the level of funds that would, in the absence

1 of such funds, be made available from non-Federal sources
2 to carry out the activities supported by such grant or con-
3 tract, and in no case to supplant such funds from non-
4 Federal sources.

5 **“PART C—COLLEGE PARTNERSHIP GRANTS**

6 **“SEC. 821. COLLEGE PARTNERSHIP GRANTS AUTHORIZED.**

7 “(a) GRANTS AUTHORIZED.—From the amount ap-
8 propriated to carry out this part under section 800, the
9 Secretary shall award grants to eligible partnerships for
10 the purposes of developing and implementing articulation
11 agreements.

12 “(b) ELIGIBLE PARTNERSHIPS.—For purposes of
13 this part, an eligible partnership shall include at least two
14 institutions of higher education, or a system of institutions
15 of higher education, and may also include—

16 “(1) a consortia of institutions of higher edu-
17 cation; or

18 “(2) a State higher education agency.

19 “(c) PRIORITY.—The Secretary shall give priority to
20 eligible partnerships that—

21 “(1) are located in a State that is in compliance
22 with section 486A; or

23 “(2) include—

1 “(A) 1 or more junior or community col-
2 leges (as defined by section 312(f) of this Act)
3 that award associate’s degrees; and

4 “(B) 1 or more institutions of higher edu-
5 cation that offer a baccalaureate or post-bacca-
6 laureate degree not awarded by the institutions
7 described in paragraph (1) with which it is
8 partnered.

9 “(d) MANDATORY USE OF FUNDS.—Grants awarded
10 under this part shall be used for—

11 “(1) the development of policies and programs
12 to expand opportunities for students to earn bach-
13 elor’s degrees, by facilitating the transfer of aca-
14 demic credits between institutions and expanding ar-
15 ticipation and guaranteed transfer agreements be-
16 tween institutions of higher education, including
17 through common course numbering and general edu-
18 cation core curriculum;

19 “(2) academic program enhancements; and

20 “(3) programs to identify and remove barriers
21 that inhibit student transfers, including techno-
22 logical and informational programs.

23 “(e) OPTIONAL USE OF FUNDS.—Grants awarded
24 under this part may be used for—

1 “(1) support services to students participating
2 in the program, such as tutoring, mentoring, and
3 academic and personal counseling; and

4 “(2) any service that facilitates the transition of
5 students between the partner institutions.

6 “(f) PROHIBITION.—No funds provided under this
7 seciton shall be used to financially compensate an institu-
8 tion for the purposes of entering into an articulation
9 agreement or for accepting students transferring into such
10 institution.

11 “(g) APPLICATIONS.—Any eligible partnership that
12 desires to obtain a grant under this section shall submit
13 to the Secretary an application at such time, in such man-
14 ner, and containing such information or assurances as the
15 Secretary may require.

16 “(h) REGULATIONS.—The Secretary shall prescribe
17 such regulations as may be necessary to carry out this
18 section.

19 “(i) DEFINITION.—For purposes of this section, the
20 term ‘articulation agreement’ means means an agreement
21 between institutions of higher education that specifies the
22 acceptability of courses in transfer toward meeting specific
23 degree requirements.

1 **“PART D—STUDENT SUCCESS GRANTS**

2 **“SEC. 826. STUDENT SUCCESS GRANTS.**

3 “(a) AUTHORIZATION OF PILOT PROGRAM.—From
4 the amount appropriated to carry out this part under sec-
5 tion 800, the Secretary is authorized to award grants on
6 a competitive basis to eligible institutions for the purposes
7 of helping low-income students succeed in persisting in
8 and completing postsecondary education and training pro-
9 grams.

10 “(b) DEFINITIONS.—

11 “(1) ELIGIBLE INSTITUTION.—In this section,
12 the term ‘eligible institution’ means an institution of
13 higher education (as defined in section 101(a)) in
14 which, during the three-year period preceding the
15 year in which the institution is applying for a grant
16 under this section, an average of not less than 50
17 percent of the institution’s entering first-year stu-
18 dents are enrolled in developmental courses to bring
19 reading, writing, or mathematics skills up to college-
20 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;

25 “(B) is a first-year student at the time of
26 entering the pilot; and

1 “(C) is selected by an eligible institution to
2 participate in the pilot.

3 “(c) APPLICATION.—An eligible institution seeking a
4 grant under this section shall submit an application to the
5 Secretary at such time, in such manner, and containing
6 such information as the Secretary may require.

7 “(d) GRANT AMOUNTS.—

8 “(1) INSTITUTIONAL GRANTS.—For a given
9 year, each institution selected to participate in this
10 pilot program shall receive an amount equal to the
11 amount of a Student Success Grant multiplied by
12 the number of students the institution selects to par-
13 ticipate in the pilot program in such year. An insti-
14 tution shall not select more than 200 students to
15 participate in the pilot program under this section
16 during any academic year.

17 “(2) GRANTS TO STUDENTS.—The amount of a
18 Student Success Grant provided to an eligible insti-
19 tution on behalf of an eligible student under this
20 section shall be \$1,500 per student for each award
21 year.

22 “(e) PRIORITY FOR REPLICATION OF EVIDENCE-
23 BASED POLICIES AND PRACTICES.—The Secretary shall
24 give priority to applications submitted by eligible institu-
25 tions that propose to replicate policies and practices that

1 have proven effective in increasing persistence and comple-
2 tion by low-income students or students in need of devel-
3 opmental education.

4 “(f) PEER REVIEW.—The Secretary shall convene a
5 peer review process to review applications for grants under
6 this section and to make recommendations to the Sec-
7 retary regarding the selection of grantees. Members of the
8 peer review committee shall be a mix of researchers and
9 practitioners who are recognized experts on services and
10 policies to increase low income student success in postsec-
11 ondary education and training. No member of the com-
12 mittee shall be in a position to benefit financially from
13 the grants to eligible institutions under subsection (d)(1).

14 “(g) MANDATORY USES.—An eligible institution that
15 receives a grant under this section shall use the grant
16 funds to assign a Student Success Coach to every first-
17 year student participating in the pilot to provide intensive
18 career and academic advising, ongoing personal help in
19 navigating college services such as financial aid and reg-
20 istration, and assistance in connecting to community re-
21 sources that can help students overcome family and per-
22 sonal challenges to success. Student Success Coaches—

23 “(1) shall work with not more than 50 new stu-
24 dents during any academic period;

1 “(2) may be employees of academic depart-
2 ments, student services offices, community-based or-
3 ganizations, or other entities as deemed appropriate
4 by the institution; and

5 “(3) shall meet with each eligible student se-
6 lected for the pilot before registration for courses.

7 “(h) PERMISSIBLE USES.—An eligible institution
8 that receives a grant under this section may use the grant
9 funds to provide services and program innovations for stu-
10 dents participating in the pilot, including the following:

11 “(1) College and career success courses, with
12 tuition and fees for the course covered by the Stu-
13 dent Success Grant. These courses should cover col-
14 lege success topics, such as how to take notes, how
15 to study, how to take tests, and how to budget time,
16 and should also include a substantial career explo-
17 ration component. Institutions are encouraged to use
18 such courses to help students develop a College and
19 Career Success Plan so that by the end of the first
20 semester the students have a clear sense of their ca-
21 reer goals and what classes to take to achieve such
22 goals.

23 “(2) Work-study jobs with private employers in
24 the students’ fields of study.

1 “(3) Learning communities that ensure that
2 students participating in the pilot are clustered to-
3 gether for at least two courses beginning in the first
4 semester after enrolling and have other opportunities
5 to create and maintain bonds that allow them to
6 provide academic and social support to each other.

7 “(4) Curricular redesign, which may include
8 such innovations as ‘blended’ or accelerated remedi-
9 ation classes that help Student Success Grant recipi-
10 ents to attain college-level reading, writing, math
11 skills (or a combination thereof) more rapidly than
12 traditional remediation formats allow, and intensive
13 skills refresher classes, offered prior to each semes-
14 ter, to help students who have tested into remedial
15 coursework to reach entry level assessment scores
16 for the postsecondary programs they wish to enter.

17 “(5) Instructional support, such as learning
18 labs, supplemental instruction, and tutoring.

19 “(6) Assistance with support services, such as
20 child care and transportation.

21 “(i) GRANT PERIOD; ADDITIONAL TECHNICAL AS-
22 SISTANCE.—

23 “(1) GRANT PERIOD.—Grants made under this
24 section shall be for a period of not less than 60
25 months.

1 “(2) ADDITIONAL TECHNICAL ASSISTANCE.—
2 After 36 months, the Secretary shall review the per-
3 formance of the Student Success Grant pilot stu-
4 dents at each institution, and if no significant im-
5 provements have been made by Student Success
6 Grant pilot students in persistence and completion
7 at an institution, then the Secretary shall provide
8 additional technical assistance to help the institution
9 improve outcomes.

10 “(j) REQUIRED NON-FEDERAL SHARE.—

11 “(1) IN GENERAL.—Each institution partici-
12 pating in the pilot program under this section shall
13 provide a non-Federal match of 25 percent of the
14 grant. The non-Federal share under this section may
15 be provided in cash or in kind.

16 “(2) EFFECT ON NEED ANALYSIS.—For the
17 purpose of calculating a student’s need in accord-
18 ance with part F of this title, services or benefits
19 under this section shall not be considered an asset
20 or income.

21 “(k) TECHNICAL ASSISTANCE.—The Secretary shall
22 enter into contracts with private entities to provide such
23 technical assistance to grantees under this section as the
24 Secretary determines appropriate.

25 “(l) EVALUATION.—

1 “(1) OUTCOME EVALUATIONS.—The Secretary
2 shall conduct an evaluation of program outcomes
3 under the pilot program, and shall disseminate to
4 the public the findings from the evaluation and in-
5 formation on best practices. The Secretary is en-
6 couraged to partner with other providers of funds,
7 such as private foundations, to allow for use of an
8 experimental or quasi-experimental evaluation in at
9 least one of the pilot sites.

10 “(2) INSTITUTIONAL PARTICIPATION.—As a
11 condition of receiving grants under this section, par-
12 ticipating institutions shall work with the evaluator
13 to track persistence and completion outcomes for
14 students in the pilot program, specifically the pro-
15 portion of these students who take and complete de-
16 velopmental education courses, the proportion who
17 take and complete college-level coursework, and the
18 proportion who complete certificates and degrees.
19 This data shall be broken down by race, ethnicity,
20 and age and the evaluator shall assist institutions in
21 analyzing this data to compare Student Success
22 Grant pilot participants to comparable nonpartici-
23 pants, using statistical techniques to control for dif-
24 ferences in the groups.

1 “(3) ANNUAL REPORTS.—Participating institu-
2 tions shall report on the data specified in paragraph
3 (2) annually and the Secretary shall make this data
4 publicly available.

5 **“PART E—JOBS TO CAREERS**

6 **“SEC. 831. GRANTS TO CREATE BRIDGES FROM JOBS TO CA-**
7 **REERS.**

8 “(a) AUTHORIZATION OF PROGRAM.—From amounts
9 appropriated to carry out this part under section 800, the
10 Secretary shall award grants, on a competitive basis, to
11 institutions of higher education for the purposes of im-
12 proving developmental education, including English lan-
13 guage instruction, to customize developmental education
14 to student career goals, and to help students move rapidly
15 from developmental coursework into for-credit occupa-
16 tional program courses and through program completion.
17 The grants shall focus in particular on creating bridges
18 to for-credit occupational certificate programs that are ar-
19 ticulated to degree programs.

20 “(b) APPLICATION.—An eligible institution seeking a
21 grant under this section shall submit an application to the
22 Secretary at such time, in such manner, and containing
23 such information as the Secretary may require.

24 “(c) PRIORITIES.—The Secretary shall give priority
25 to applications that—

1 “(1) are from institutions of higher education
2 in which not less than 50 percent of the institution’s
3 entering first-year students who are subject to man-
4 datory assessment, are assessed as needing develop-
5 mental courses to bring reading, writing, or mathe-
6 matics skills up to college-level; and

7 “(2) propose to replicate practices that have
8 proven effective with adults and to applications that
9 propose to collaborate with adult education pro-
10 viders.

11 “(d) PEER REVIEW.—The Secretary shall convene a
12 peer review process to review applications for grants under
13 this section and to make recommendations to the Sec-
14 retary regarding the selection of grantees.

15 “(e) MANDATORY ACTIVITY.—An eligible institution
16 that receives a grant under this section shall use the grant
17 funds to create workforce bridge programs that customize
18 developmental education curricula, including English lan-
19 guage instruction, to the content of the for-credit occupa-
20 tional certificate or degree programs, or clusters of pro-
21 grams, in which developmental education students seek to
22 enroll. Such bridge programs may include those that inte-
23 grate the curricula and the instruction of both develop-
24 mental and college-level coursework or dual enroll students
25 in remediation and college-level coursework.

1 “(f) PERMISSIBLE ACTIVITIES.—An eligible institu-
2 tion that receives a grant under this section, in addition
3 to creating workforce bridge programs, may use the grant
4 funds to carry out the following:

5 “(1) Design and implement innovative ways to
6 improve retention in and completion of develop-
7 mental education courses, including but not limited
8 to enrolling students in cohorts, accelerating course
9 content, integrating remediation and college-level
10 curricula and instruction, dual enrolling students in
11 developmental and college-level courses, tutoring,
12 providing counseling and other supportive services,
13 and giving small, material incentives for attendance
14 and performance.

15 “(2) In consultation with faculty in the appro-
16 priate departments, redesignating class schedules to
17 meet the needs of working adults, such as by cre-
18 ating evening, weekend, modular, compressed, dis-
19 tance learning formats or other alternative sched-
20 ules.

21 “(3) Improving the quality of teaching in reme-
22 dial courses through professional development, re-
23 classification of such teaching positions, or other
24 means the eligible institution determines appro-
25 priate.

1 “(4) Any other activities the eligible institution
2 and the Secretary determine will promote retention
3 of and completion by students attending institutions
4 of higher education.

5 “(5) Fully advise students on the range of op-
6 tions and programs available, which may include: di-
7 ploma; certification; 2-year degree; associate’s de-
8 gree; transfer degree to upper division; and career
9 options.

10 “(g) GRANT PERIOD.—Grants made under this sec-
11 tion shall be for a period of not less than 36 months and
12 not more than 60 months.

13 “(h) TECHNICAL ASSISTANCE.—The Secretary shall
14 provide technical assistance to grantees under this section
15 throughout the grant period.

16 “(i) EVALUATION.—The Secretary shall conduct an
17 evaluation of program impacts under the demonstration
18 program, and shall disseminate to the public the findings
19 from the evaluation and information on best practices.
20 The Secretary is encouraged to partner with other pro-
21 viders of funds, such as private foundations, to allow for
22 use of a random assignment evaluation in at least one of
23 the demonstration sites.

1 “(j) DEFINITION OF INSTITUTION.—In this section,
2 the term ‘institution of higher education’ means an insti-
3 tution of higher education as defined in section 101(a).

4 **“PART F—PROJECT GRAD**

5 **“SEC. 836. PROJECT GRAD.**

6 “(a) PURPOSES.—The purposes of this part are—

7 “(1) to provide support and assistance to pro-
8 grams implementing integrated education reform
9 services in order to improve secondary school grad-
10 uation and college attendance and completion rates
11 for disadvantaged students; and

12 “(2) to promote the establishment of new pro-
13 grams to implement such integrated education re-
14 form services.

15 “(b) GRANT AUTHORIZED.—From the amount ap-
16 propriated to carry out this part under section 800, the
17 Secretary is authorized to award a grant to Project GRAD
18 USA (referred to in this part as the ‘grantee’), a nonprofit
19 educational organization that has as its primary purpose
20 the improvement of secondary school graduation and col-
21 lege attendance and completion rates for disadvantaged
22 students, to implement and sustain the integrated edu-
23 cation reform services described in subsection (d)(3) at ex-
24 isting Project GRAD program sites and to promote the
25 expansion of such programs to new sites.

1 “(c) REQUIREMENTS OF GRANT AGREEMENT.—The
2 Secretary shall enter into an agreement with the grantee
3 that requires that the grantee shall—

4 “(1) enter into subcontracts with nonprofit edu-
5 cational organizations that serve a substantial num-
6 ber or percentage of low-income students (referred
7 to in this part as ‘subcontractors’), under which the
8 subcontractors agree to implement the programs de-
9 scribed in subsection (d) and provide matching funds
10 for such programs;

11 “(2) directly carry out—

12 “(A) activities to implement and sustain
13 the literacy, mathematics, classroom manage-
14 ment, social service, and college access pro-
15 grams further described in subsection (d)(3);

16 “(B) activities to build the organizational
17 and management capacity of the subcontractors
18 to effectively implement and sustain the pro-
19 grams;

20 “(C) activities for the purpose of improving
21 and expanding the programs, including but not
22 limited to activities to further articulate a pro-
23 gram for one or more grade levels and across
24 grade levels, to tailor a program for a particular

1 target audience, and provide tighter integration
2 across programs;

3 “(D) activities for the purpose of imple-
4 menting new Project GRAD program sites;

5 “(E) activities for the purpose of pro-
6 moting greater public awareness of integrated
7 education reform services to improve secondary
8 school graduation and college attendance rates
9 for disadvantaged students; and

10 “(F) other activities directly related to im-
11 proving secondary school graduation and college
12 attendance and completion rates for disadvan-
13 taged students; and

14 “(3) use grant funds available under this part
15 to pay—

16 “(A) the amount determined under sub-
17 section (f)(1); and

18 “(B) costs associated with carrying out the
19 activities and providing the services, as provided
20 in paragraphs (2).

21 “(d) SUPPORTED PROGRAMS.—

22 “(1) DESIGNATION.—The subcontractor pro-
23 grams referred to in subsection (c)(1) shall be
24 known as ‘Project GRAD programs’.

1 “(2) FEEDER PATTERNS.—Each subcontractor
2 shall implement a Project GRAD program and shall,
3 with the agreement of the grantee—

4 “(A) identify or establish not less than one
5 ‘feeder pattern’ of public schools, where ‘feeder
6 pattern’ is defined as a high school and the ele-
7 mentary schools and middle schools that chan-
8 nel students into that high school; and

9 “(B) provide the integrated educational re-
10 form services described in paragraph (3) at the
11 identified feeder pattern or feeder patterns.

12 “(3) INTEGRATED EDUCATION REFORM SERV-
13 ICES.—The services provided through a Project
14 GRAD program may include—

15 “(A) research-based programs in reading,
16 mathematics, and classroom management; and

17 “(B) campus-based social services pro-
18 grams, including a systematic approach to in-
19 crease family and community involvement in the
20 schools served by the Project GRAD program;

21 “(C) a college access program that in-
22 cludes—

23 “(i) providing college scholarships for
24 students who meet established criteria;

1 “(ii) proven approaches for increasing
2 student and family college awareness; and

3 “(iii) assistance for such students in
4 applying for higher education financial aid;
5 and

6 “(D) such other services identified by the
7 grantee as necessary to increase secondary
8 school graduation and college attendance and
9 completion rates.

10 “(e) USE OF FUNDS.—Of the funds made available
11 to carry out this part under section 800, not more than
12 8 percent of such funds, or \$4,000,000, whichever is less,
13 shall be used by the grantee to pay for administration of
14 the grant, with the remainder of funds to be used for the
15 purposes described in subsections (c)(1) and (2).

16 “(f) GRANTEE CONTRIBUTION AND MATCHING RE-
17 QUIREMENT.—

18 “(1) IN GENERAL.—The grantee shall provide
19 to each subcontractor an average of \$200 for each
20 pupil served by the subcontractor in the Project
21 GRAD program, adjusted to take into consider-
22 ation—

23 “(A) the resources available in the area
24 where the subcontractor will implement the
25 Project GRAD program; and

1 “(B) the need for Project GRAD programs
2 in such area to improve student outcomes.

3 “(2) MATCHING REQUIREMENT.—Each subcon-
4 tractor shall provide funds for the Project GRAD
5 program in an amount that is equal to the amount
6 received by the subcontractor from the grantee.
7 Such matching funds may be provided in cash or in
8 kind, fairly evaluated.

9 “(3) WAIVER AUTHORITY.—The grantee may
10 waive, in whole or in part, the requirement of para-
11 graph (2) for a subcontractor, if the subcontractor—

12 “(A) demonstrates that it would not other-
13 wise be able to participate in the program; and

14 “(B) enters into an agreement with the
15 grantee with respect to the amount to which the
16 waiver will apply.

17 “(4) DECREASE IN GRANTEE SHARE.—Based
18 on the funds or resources available to a subcon-
19 tractor, the grantee may elect to provide the subcon-
20 tractor with an amount that is less than the amount
21 determined under paragraph (1).

22 “(g) EVALUATION.—

23 “(1) EVALUATION BY THE SECRETARY.—The
24 Secretary shall select an independent entity to evalu-
25 ate, every 3 years, the performance of students who

1 participate in a Project GRAD program under this
2 part. The evaluation shall—

3 “(A) be conducted using the strongest possible
4 research design for determining the effectiveness of the Project GRAD programs funded
5 under this part; and

6
7 “(B) compare reading and mathematics
8 achievement and, where applicable, the secondary school graduation, college attendance,
9 and college completion rates of students who
10 participate in a Project GRAD program funded
11 under this part with those indicators for students of similar backgrounds who do not participate in such programs.

12
13
14
15 “(2) EVALUATION BY GRANTEE AND SUB-
16 CONTRACTORS.—

17 “(A) IN GENERAL.—The grantee shall require each subcontractor to prepare an in-depth
18 report of the results and the use of funds of
19 each Project GRAD program funded under this
20 part that includes—

21
22 “(i) data on the reading and mathematics achievement of students involved in
23 the Project GRAD program;
24

1 “(ii) statistics on secondary school
2 graduation, college attendance, and college
3 completion rates; and

4 “(iii) such financial reporting as re-
5 quired by the Secretary to review the effec-
6 tiveness and efficiency of the program.

7 “(B) FORM OF REPORT.—The report shall
8 be in a form and include such content as shall
9 be determined by the grantee, in consultation
10 with the Secretary or the entity selected by the
11 Secretary to evaluate the Project GRAD pro-
12 grams in accordance with paragraph (1).

13 “(3) AVAILABILITY OF EVALUATIONS.—Copies
14 of any evaluation or report prepared under this sub-
15 section shall be made available to—

16 “(A) the Secretary; and

17 “(B) the chairperson and ranking member
18 of the authorizing committees.

19 “(h) DEFINITIONS.—In this part the term ‘low-in-
20 come student’ means a student who is determined by a
21 local educational agency to be from a low-income family
22 using the measures described in section 1113(a)(5) of the
23 Elementary and Secondary Education Act of 1965 (20
24 U.S.C. 6313(a)(5)):

1 **“PART G—IMPROVING COLLEGE ENROLLMENT**

2 **BY SECONDARY SCHOOLS**

3 **“SEC. 841. IMPROVING COLLEGE ENROLLMENT BY SEC-**

4 **ONDARY SCHOOLS.**

5 “(a) IN GENERAL.—From the amount appropriated
6 to carry out this part under section 800, the Secretary
7 shall contract with one nonprofit organization described
8 in subsection (b) to enable the nonprofit organization—

9 “(1) to make publicly available the year-to-year
10 higher education enrollment rate trends of secondary
11 school students, disaggregated by secondary school,
12 in full compliance with the Family Education Rights
13 and Privacy Act of 1974;

14 “(2) to identify not less than 50 urban local
15 educational agencies and 5 States with significant
16 rural populations, each serving a significant popu-
17 lation of low-income students, and to carry out a
18 comprehensive needs assessment in the agencies and
19 States of the factors known to contribute to im-
20 proved higher education enrollment rates, which fac-
21 tors shall include—

22 “(A) an evaluation of the local educational
23 agency’s and State’s leadership strategies;

24 “(B) the secondary school curriculum and
25 class offerings of the local educational agency
26 and State;

1 “(C) the professional development used by
2 the local educational agency and the State to
3 assist teachers, higher education counselors,
4 and administrators in supporting the transition
5 of secondary students into higher education;

6 “(D) secondary school student attendance
7 and other factors demonstrated to be associated
8 with enrollment into higher education;

9 “(E) the data systems used by the local
10 educational agency and the State to measure
11 college enrollment rates and the incentives in
12 place to motivate the efforts of faculty and stu-
13 dents to improve student and school-wide out-
14 comes; and

15 “(F) strategies to mobilize student leaders
16 to build a college-bound culture; and

17 “(3) to provide comprehensive services to im-
18 prove the school-wide higher education enrollment
19 rates of each of not less than 10 local educational
20 agencies and States, with the federally funded por-
21 tion of each project declining by not less than 20
22 percent each year beginning in the second year of
23 the comprehensive services, that—

24 “(A) participated in the needs assessment
25 described in paragraph (2); and

1 “(B) demonstrated a willingness and com-
2 mitment to improving the higher education en-
3 rollment rates of the local educational agency or
4 State, respectively.

5 “(b) GRANT RECIPIENT CRITERIA.—The recipient of
6 the grant awarded under subsection (a) shall be a non-
7 profit organization with demonstrated expertise—

8 “(1) in increasing school-wide higher education
9 enrollment rates in low-income communities nation-
10 wide by providing curriculum, training, and technical
11 assistance to secondary school staff and student peer
12 influencers; and

13 “(2) in a college transition data management
14 system.

15 **“PART H—DIPLOMA MILL PREVENTION**

16 **“SEC. 851. PURPOSE; DEFINITIONS.**

17 “(a) PURPOSE.—The purpose of this part is to pro-
18 tect institutions of higher education, businesses and other
19 employers, professional licensing boards, patients and cli-
20 ents of degree holders, taxpayers, and other individuals
21 from any person claiming to possess a legitimate academic
22 degree that in fact was issued by a fraudulent or non-
23 existent school, by a non-educational entity posing as a
24 school, or by any entity in violation of Federal or State
25 law.

1 “(b) DEFINITIONS.—In this part:

2 “(1) DEGREE-GRANTING INSTITUTION.—The
3 term ‘degree-granting institution’ means any entity
4 that offers or confers an academic, professional, or
5 occupational degree, diploma, or certificate, if such
6 degree, diploma, or certificate may be used to rep-
7 resent to the general public that the individual pos-
8 sessing such degree, diploma, or certificate has com-
9 pleted a program of education or training beyond
10 secondary education.

11 “(2) DIPLOMA MILL.—The term ‘diploma mill’
12 means any entity that—

13 “(A) lacks valid accreditation by an agency
14 recognized by a Federal agency or a State gov-
15 ernment as a valid accrediting agency of insti-
16 tutions of higher education; and

17 “(B) offers degrees, diplomas, or certifi-
18 cations, for a fee, that may be used to represent
19 to the general public that the individual pos-
20 sessing such a degree, diploma, or certification
21 has completed a program of education or train-
22 ing beyond secondary education, but little or no
23 education or course work is required to obtain
24 such a degree, diploma, or certification.

1 “(3) INSTITUTION OF HIGHER EDUCATION.—
2 The term ‘institution of higher education’ has the
3 meaning given such term in section 102.

4 **“SEC. 852. RECOGNIZED ACCREDITING AGENCIES AND IN-**
5 **STITUTIONS.**

6 “(a) LISTS MAINTAINED BY THE DEPARTMENT OF
7 EDUCATION.—Not later than 30 days after the date of
8 the enactment of this part, the Secretary of Education
9 shall make available (in a regularly updated, electronic
10 format) to the Secretary of Homeland Security and the
11 heads of other appropriate Federal agencies, a list of—

12 “(1) accrediting agencies and associations, rec-
13 ognized by the Secretary of Education under section
14 496, or, at the discretion of the Secretary, other or-
15 ganizations involved in accreditation;

16 “(2) eligible institutions, as defined under sec-
17 tion 435(a); and

18 “(3) to the extent practicable, foreign degree-
19 granting institutions that—

20 “(A) have degree-granting authority, as
21 granted by the appropriate agency or ministry
22 of jurisdiction in the home country of such in-
23 stitution;

24 “(B) issue degrees that are accepted for
25 professional licensure, public employment, and

1 admission into graduate programs of degree-
2 granting institutions in the home country (as
3 determined by the Secretary of State);

4 “(C) are determined by the Secretary of
5 Education to be academically equivalent to an
6 eligible institution, as defined in section 435(a);
7 and

8 “(D) are located in a home country that is
9 capable of performing an effective academic
10 evaluation of the degree-granting institutions to
11 which it issues degree-granting authority, as de-
12 termined by the Secretary of State, in consulta-
13 tion with the Secretary of Education,
14 for the purposes of allowing the Secretary of Homeland
15 Security and the heads of such Federal agencies to deter-
16 mine, for immigration and Federal employment and hiring
17 purposes, the legitimacy of degree-granting institutions
18 and degrees issued by such institutions.

19 “(b) REVISIONS TO LISTS.—The Secretary of Edu-
20 cation shall modify and maintain the lists described in
21 subsection (a) as necessary to ensure that the lists and
22 the information contained in the lists are accurate and up-
23 to-date, based on the most recent information available to
24 the Secretary.

1 “(c) NOTICE OF RECOGNITION.—To be eligible to re-
2 ceive funds under title IV, each eligible institution de-
3 scribed in subsection (a)(2) shall, not later than 60 days
4 after the date of the enactment of this part, prominently
5 display on the institution’s Internet website a notice indi-
6 cating that the institution is recognized by the Secretary
7 of Education as a legitimate institution for immigration
8 and Federal employment and hiring purposes. If the Sec-
9 retary of Education determines that an institution no
10 longer qualifies as a legitimate degree-granting institu-
11 tions described in subsection (a)(2), and removes the insti-
12 tution from the list maintained under such subsection, the
13 institution shall, not later than 15 days after the removal
14 of the institution from such list, delete the notice required
15 by this subsection from the institution’s Internet website.

16 **“SEC. 853. ACCREDITING AGENCIES.**

17 “No accrediting agency or association may be consid-
18 ered to be a reliable authority as to the quality of edu-
19 cation or training offered by a degree-granting institution
20 for any purpose related to immigration, Federal employ-
21 ment and hiring practices, or for any other Federal pur-
22 poses, unless the agency or association is on the list of
23 accrediting agencies and associations recognized by the
24 Secretary of Education and provided to the Secretary of
25 Homeland Security under section 852. The Secretary may

1 consult with other organizations, such as the Council for
2 Higher Education Accreditation, for such purposes.

3 **“SEC. 854. TASK FORCE.**

4 “(a) **TASK FORCE ESTABLISHED.**—The Secretary of
5 Education shall establish within the Department of Edu-
6 cation the Diploma Mill Task Force (referred to in this
7 part as the ‘Task Force’).

8 “(b) **MEMBERSHIP.**—

9 “(1) **NUMBER AND APPOINTMENT.**—The Task
10 Force shall, if practicable, be composed of 19 mem-
11 bers, as follows:

12 “(A) The Assistant Secretary of Education
13 for Postsecondary Education.

14 “(B) A representative of the Department
15 of Education with experience related to the de-
16 termination of the legitimacy and quality of de-
17 grees from foreign institutions of higher edu-
18 cation, selected by the Secretary of Education.

19 “(C) A representative of the Department
20 of Justice, selected by the Attorney General.

21 “(D) A representative of the Federal
22 Trade Commission, selected by the Chairman of
23 such agency.

1 “(E) A representative of the Secret Serv-
2 vice, selected by the Director of the Secret Serv-
3 ice.

4 “(F) A representative of the Department
5 of State, selected by the Secretary of State.

6 “(G) A representative of the Department
7 of Homeland Security, selected by the Secretary
8 of Homeland Security.

9 “(H) A representative of the Office of Per-
10 sonnel Management, selected by the Director of
11 such Office.

12 “(I) A representative of a national accredi-
13 tation association.

14 “(J) A representative of a national organi-
15 zation representing collegiate registrars and ad-
16 missions officers.

17 “(K) Two representatives of State degree
18 approval agencies, selected by agreement of at
19 least 3 of the Speaker of the House of Rep-
20 resentatives, the Senate Majority Leader, the
21 House Minority Leader, and the Senate Minor-
22 ity Leader.

23 “(L) Two representatives from regionally
24 accredited institutions of higher education, se-
25 lected by agreement of at least 3 of the Speaker

1 of the House of Representatives, the Senate
2 Majority Leader, the House Minority Leader,
3 and the Senate Minority Leader.

4 “(M) One representative from a nationally
5 accredited institution of higher education, se-
6 lected by agreement of at least 3 of the Speaker
7 of the House of Representatives, the Senate
8 Majority Leader, the House Minority Leader,
9 and the Senate Minority Leader.

10 “(N) Four individuals from the general
11 population with experience in higher education,
12 the detection of fraudulent degrees and degree-
13 granting institutions, or law enforcement re-
14 lated to credential fraud, selected as follows:

15 “(i) One individual selected by the
16 Speaker of the House of Representatives.

17 “(ii) One individual selected by the
18 Minority Leader of the House of Rep-
19 resentatives.

20 “(iii) One individual selected by the
21 Majority Leader of the Senate.

22 “(iv) One individual selected by the
23 Minority Leader of the Senate.

24 “(2) CRITERIA FOR MEMBERSHIP.—All mem-
25 bers of the Task Force shall be persons who are es-

1 pecially qualified to serve on the Task Force by vir-
2 tue of their education, training, or experience, par-
3 ticularly in the fields of higher education, accredita-
4 tion of institutions of higher education, foreign high-
5 er education standards, State regulation of institu-
6 tions of higher education, immigration, Federal em-
7 ployment requirements and hiring practices, or fraud
8 prevention, detection, or enforcement.

9 “(3) TERMS.—Each member shall be appointed
10 for the life of the Task Force.

11 “(4) VACANCIES.—A vacancy in the Task Force
12 shall be filled in the manner in which the original
13 appointment was made.

14 “(5) CHAIR.—At the first meeting of the Task
15 Force, the members of the Task Force shall elect a
16 member of the Task Force to serve as Chair.

17 “(c) DUTIES.—

18 “(1) GUIDELINES.—The Task Force shall de-
19 velop guidelines, to be used for the development of
20 Federal legislation, to identify degree-granting insti-
21 tutions as legitimate or fraudulent degree-granting
22 institutions for Federal purposes. In developing such
23 guidelines, the Task Force shall consider—

1 “(A) characteristics of degree-granting in-
2 stitutions that help determine the legitimacy of
3 the institution, such as whether an entity—

4 “(i) offers or confers degrees, diplo-
5 mas, or certificates—

6 “(I) for little or no meaningful
7 academic work;

8 “(II) without requiring an appro-
9 priate level of academic achievement
10 for the attainment of such degrees, di-
11 plomas, or certificates; or

12 “(III) without imposing academic
13 or other requirements for admittance
14 into the institutions or programs of-
15 fering such degrees, diplomas, or cer-
16 tificates;

17 “(ii) has fiscal and administrative
18 structures and capacity appropriate to the
19 specified scale of educational operations;

20 “(iii) has resources to support claims
21 as a degree-granting institution, including
22 curricula, qualified faculty, facilities, equip-
23 ment, and supplies, student support serv-
24 ices, objectives of the degrees or creden-
25 tials offered, admissions practices, aca-

1 demic calendars and catalogs, and a grad-
2 ing system; and

3 “(iv) has degree-granting authority
4 issued by the States in which degrees, or
5 instruction leading to degrees, are offered,
6 and is recognized by such States as an ap-
7 proved institution of higher education;

8 “(B) the feasibility of defining the term
9 ‘fraudulent degree-granting institution’ (com-
10 monly referred to as ‘diploma mills’), and if fea-
11 sible, shall define such term for use in Federal
12 laws and regulations;

13 “(C) issues related to—

14 “(i) the detection of new and existing
15 fraudulent degree-granting institutions;

16 “(ii) recognition and prevention of the
17 practices used by such fraudulent degree-
18 granting institutions to avoid detection;

19 “(iii) the enforcement of laws and reg-
20 ulations prohibiting such fraudulent de-
21 gree-granting institutions and practices
22 and the use of fraudulent degrees; and

23 “(iv) the prosecution of such fraudu-
24 lent degree-granting institutions and prac-
25 tices and the use of fraudulent degrees;

1 “(D) difficulties in identifying fraudulent
2 degree-granting institutions located in foreign
3 countries, or that claim recognition or degree-
4 granting authority from foreign countries;

5 “(E) means to alert and educate the public
6 about fraudulent degree-granting institutions
7 and the use of fraudulent degrees;

8 “(F) laws, regulations, and other means
9 used by States to address fraudulent degree-
10 granting institutions and the use of fraudulent
11 degrees;

12 “(G) the potential need for coordination
13 and cooperation among various Federal agen-
14 cies to investigate and prosecute suspected
15 fraudulent degree-granting institutions, and the
16 detailed recommendations of the Task Force re-
17 garding such coordination and cooperation;

18 “(H) the study and the report to the Task
19 Force required under this section; and

20 “(I) the purposes for which various agen-
21 cies of the United States need to identify fraud-
22 ulent degree-granting institutions, and identify,
23 prohibit, and prevent the use of degrees issued
24 by such fraudulent institutions, and the ability

1 of such agencies to implement any guidelines
2 considered by the Task Force.

3 “(2) DEVELOPMENT OF FEDERAL PLAN.—The
4 Task Force shall develop a strategic diploma integ-
5 rity protection plan (referred to in this section as
6 the ‘Plan’) to address the sale and use of fraudulent
7 degrees for Federal purposes. The Plan shall include
8 the following:

9 “(A) Recommendations to Congress re-
10 garding the implementation by Federal agencies
11 of the guidelines developed under paragraph
12 (1).

13 “(B) Recommendations to the Federal
14 Trade Commission regarding the application of
15 the guidelines developed under paragraph (1) to
16 any rulemaking under section 856 and to the
17 enforcement of the rules promulgated under
18 such section.

19 “(3) SUBMISSION OF REPORT TO CONGRESS.—
20 Not later than one year after the date of the enact-
21 ment of this part, the Task Force shall submit to
22 the appropriate congressional committees a report,
23 including—

24 “(A) the guidelines developed under para-
25 graph (1);

1 “(B) the Plan developed under paragraph
2 (2); and

3 “(C) a legislative proposal for consider-
4 ation by Congress.

5 **“SEC. 855. SENSE OF THE CONGRESS REGARDING USE BY**
6 **STATES OF THE FEDERAL PLAN AS GUIDE-**
7 **LINES.**

8 “‘It is the sense of the Congress that—

9 “(1) each State should implement a strategic
10 diploma integrity plan similar to any such plan en-
11 acted by Congress in accordance with section 854, to
12 the extent practicable and as soon as practicable
13 after the date of the enactment of such a plan under
14 such section; and

15 “(2) States may adopt more stringent stand-
16 ards than those standards contained in the Federal
17 strategic diploma integrity plan and used by agen-
18 cies of the United States to identify fraudulent de-
19 gree-granting institutions operating within such
20 State, except that State law does not preempt Fed-
21 eral law as applied to the employment and hiring
22 practices of Federal employees working in such
23 State.

1 **“SEC. 856. UNFAIR AND DECEPTIVE ACTS AND PRACTICES**
2 **REGARDING DIPLOMAS AND PROFESSIONAL**
3 **CERTIFICATIONS.**

4 “Not later than 180 days after the date of enactment
5 of this part, the Secretary shall request in writing that
6 the Federal Trade Commission shall develop a plan to ad-
7 dress diploma mills based on section 18 of Federal Trade
8 Commission Act (15 U.S.C. 57a).

9 **“PART I—STUDENT SAFETY AND CAMPUS**
10 **EMERGENCY MANAGEMENT**
11 **“SEC. 861. STUDENT SAFETY AND CAMPUS EMERGENCY**
12 **MANAGEMENT.**

13 “(a) GRANTS AUTHORIZED.—

14 “(1) IN GENERAL.—From the amount appro-
15 priated to carry out this part under section 800, the
16 Secretary is authorized to award grants, on a com-
17 petitive basis, to institutions of higher education or
18 consortia of institutions of higher education to en-
19 able institutions of higher education or consortia to
20 pay the Federal share of the cost of carrying out the
21 authorized activities described in subsection (c).

22 “(2) CONSULTATION WITH THE ATTORNEY
23 GENERAL AND THE SECRETARY OF HOMELAND SE-
24 CURITY.—Where appropriate, the Secretary shall
25 award grants under this section in consultation with

1 the Attorney General of the United States and the
2 Secretary of Homeland Security.

3 “(3) DURATION.—The Secretary shall award
4 each grant under this section for a period of 2 years.

5 “(4) LIMITATION ON INSTITUTIONS AND CON-
6 SORTIA.—An institution of higher education or con-
7 sortium shall be eligible for only 1 grant under this
8 section.

9 “(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

10 “(1) IN GENERAL.—The Federal share shall be
11 50 percent.

12 “(2) NON-FEDERAL SHARE.—The institution of
13 higher education or consortium shall provide the
14 non-Federal share, which may be provided from
15 other Federal, State, and local resources dedicated
16 to emergency preparedness and response.

17 “(c) AUTHORIZED ACTIVITIES.—Each institution of
18 higher education or consortium receiving a grant under
19 this section may use the grant funds to carry out 1 or
20 more of the following:

21 “(1) Developing and implementing a state-of-
22 the-art emergency communications system for each
23 campus of an institution of higher education or con-
24 sortium, in order to contact students via cellular,
25 text message, or other state-of-the-art communica-

1 tions methods when a significant emergency or dan-
2 gerous situation occurs. An institution or consortium
3 using grant funds to carry out this paragraph shall
4 also, in coordination with the appropriate State and
5 local emergency management authorities—

6 “(A) develop procedures that students, em-
7 ployees, and others on a campus of an institu-
8 tion of higher education or consortium will be
9 directed to follow in the event of a significant
10 emergency or dangerous situation; and

11 “(B) develop procedures the institution of
12 higher education or consortium shall follow to
13 inform, within a reasonable and timely manner,
14 students, employees, and others on a campus in
15 the event of a significant emergency or dan-
16 gerous situation, which procedures shall include
17 the emergency communications system de-
18 scribed in this paragraph.

19 “(2) Supporting measures to improve safety at
20 the institution of higher education or consortium,
21 such as—

22 “(A) security assessments;

23 “(B) security training of personnel and
24 students at the institution of higher education
25 or consortium;

1 “(C) where appropriate, coordination of
2 campus preparedness and response efforts with
3 local law enforcement, local emergency manage-
4 ment authorities, and other agencies, to im-
5 prove coordinated responses in emergencies
6 among such entities; and

7 “(D) establishing a hotline that allows a
8 student or staff member at an institution or
9 consortium to report another student or staff
10 member at the institution or consortium who
11 the reporting student or staff member believes
12 may be a danger to the reported student or
13 staff member or to others.

14 “(3) Coordinating with appropriate local enti-
15 ties the provision of, mental health services for stu-
16 dents enrolled in the institution of higher education
17 or consortium, including mental health crisis re-
18 sponse and intervention services, to individuals af-
19 fected by a campus or community emergency.

20 “(d) APPLICATION.—Each institution of higher edu-
21 cation or consortium desiring a grant under this section
22 shall submit an application to the Secretary at such time,
23 in such manner, and containing such information as the
24 Secretary may require.

1 “(1) advise institutions of higher education on
2 model emergency response policies, procedures, and
3 practices; and

4 “(2) disseminate information concerning those
5 policies, procedures, and practices.

6 **“SEC. 863. PREPARATION FOR FUTURE DISASTERS PLAN BY**
7 **THE SECRETARY.**

8 “(a) PLANNING.—The Secretary shall develop and
9 maintain a disaster relief plan, in consultation with the
10 appropriate agencies, to ensure a procedure is in place to
11 address the needs of institutions of higher education in
12 the event of a disaster with respect to which the President
13 has declared a major disaster or emergency. The plan shall
14 take into consideration the immediate safety and well-
15 being of students, faculty, and staff. Additionally, such
16 plan shall outline steps that can be taken to ensure institu-
17 tions of higher education have a timely recovery.

18 “(b) SUBMISSION TO CONGRESS.—The Secretary
19 shall submit to the authorizing committees the plan re-
20 quired by subsection (a) and any revisions of such plan.

21 **“SEC. 864. EDUCATION DISASTER AND EMERGENCY RELIEF**
22 **LOAN PROGRAM.**

23 “(a) PROGRAM AUTHORIZED.—The Secretary is au-
24 thorized to establish an Education Disaster and Emer-
25 gency Relief Loan Program for institutions of higher edu-

1 cation for direct or indirect losses incurred as a result of
2 a federally declared major disaster or emergency.

3 “(b) USE OF ASSISTANCE.—The Secretary may, sub-
4 ject to the availability of appropriations, provide any as-
5 sistance under the Education Disaster and Emergency Re-
6 lief Loan program to institutions of higher education pur-
7 suant to this section only after the declaration of a major
8 disaster or emergency by the President. Loan funds pro-
9 vided under this section may be used for—

10 “(1) direct and indirect construction, replace-
11 ment, and renovation costs associated with or result-
12 ing from or preparing for a major disaster or emer-
13 gency;

14 “(2) faculty salaries and incentives for retaining
15 faculty; or

16 “(3) reimbursement for lost tuition and other
17 revenues.

18 “(c) APPLICATION REQUIREMENTS.—To be consid-
19 ered for a loan under this section, an institution of higher
20 education shall—

21 “(1) submit a financial statement and other ap-
22 propriate data, documentation, or evidence requested
23 by the Secretary that indicates that the institution
24 incurred losses resulting from the impact of a major

1 disaster or emergency and the monetary amount of
2 such losses; and

3 “(2) demonstrate that the institution attempted
4 to minimize the cost of any losses by pursuing collat-
5 eral source compensation from the Federal Emer-
6 gency Management Agency and insurance coverage
7 prior to seeking a loan under this section, except
8 that an institution of higher education shall not be
9 required to receive collateral source compensation
10 from the Federal Emergency Management Agency
11 and insurance prior to being eligible for the loans
12 under this section.

13 “(d) AUDIT.—The Secretary may audit a financial
14 statement submitted under subsection (c) and an institu-
15 tion of higher education shall provide any information that
16 the Secretary determines necessary to conduct such an
17 audit.

18 “(e) REDUCTION IN LOAN AMOUNTS.—To determine
19 the amount of a loan to make available to an institution
20 of higher education under this section, the Secretary shall
21 calculate the monetary amount of losses incurred by such
22 institution as a result of a federally declared major dis-
23 aster or emergency, and shall reduce such amount by the
24 amount of collateral source compensation the institution
25 has already received from insurance, and the Federal

1 Emergency Management Agency, and the Small Business
2 Administration.

3 “(f) ESTABLISHMENT OF LOAN PROGRAM.—In order
4 to disburse loans under this section, the Secretary shall
5 prescribe regulations that—

6 “(1) establish the loan program, taking into
7 consideration the structure of existing capital financ-
8 ing loan programs under this Act; and

9 “(2) that set forth—

10 “(A) terms for the loan program under
11 this section;

12 “(B) procedures for an application for a
13 loan under this section; and

14 “(C) minimum requirements for the loan
15 program and for receiving a loan under this
16 section, including the following:

17 “(i) Online forms to be used in sub-
18 mitting request for a loan under this sec-
19 tion.

20 “(ii) Information to be included in
21 such forms.

22 “(iii) Procedures to assist in filing
23 and pursuing a loan under this section.

24 “(g) DEFINITIONS.—In this section:

1 “(1) INSTITUTION AFFECTED BY A GULF HUR-
2 RICANE DISASTER.—The term ‘institution affected
3 by a Gulf hurricane disaster’ means an institution of
4 higher education that—

5 “(A) is located in an area affected by a
6 Gulf hurricane disaster; and

7 “(B) is able to demonstrate that the insti-
8 tution—

9 “(i) incurred physical damage result-
10 ing from the impact of a Gulf hurricane
11 disaster;

12 “(ii) was not able to fully reopen in
13 existing facilities or to fully reopen to the
14 pre-hurricane levels for 30 days or more
15 during August 29 2005.

16 “(2) AREA AFFECTED BY A GULF HURRICANE
17 DISASTER; GULF HURRICANE DISASTER.—The terms
18 ‘area affected by a Gulf hurricane disaster’ and
19 ‘Gulf hurricane disaster’ have the meanings given
20 such terms in section 209 of the Higher Education
21 Hurricane Relief Act of 2005 (Public Law 109-148,
22 119 Stat. 2809).

23 “(3) EMERGENCY.—The term ‘emergency’ has
24 the meaning given such term in section 102(1) of

1 the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act.

3 “(4) INSTITUTIONS OF HIGHER EDUCATION.—

4 The term ‘institution of higher education’ has the
5 meaning given such term in section 101.

6 “(5) MAJOR DISASTER.—The term ‘major dis-

7 aster’ has the meaning given the term in section

8 102(2) of the Robert T. Stafford Disaster Relief and

9 Emergency Assistance Act.

10 “(h) EFFECTIVE DATE.—This section shall take ef-

11 fect on the date of the enactment of the College Oppor-

12 tunity and Affordability Act of 2007, and assistance pro-

13 vided to institutions of higher education pursuant to this

14 section shall be available only with respect to federally de-

15 clared major disasters or emergencies that occur after the

16 date of the enactment of the College Opportunity and Af-

17 fordability Act of 2007, except in the case of institutions

18 described in subsections (g)(1) and (g)(2).

19 **“SEC. 865. GUIDANCE ON MENTAL HEALTH DISCLOSURES**

20 **FOR STUDENT SAFETY.**

21 “Not later than 90 days after the date of enactment

22 of the College Opportunity and Affordability Act of 2007,

23 the Secretary shall provide guidance that clarifies the role

24 of institutions of higher education with respect to the dis-

25 closure of education records, including to a parent or legal

1 guardian of a dependent student, in the event that such
2 student demonstrates that the student poses a significant
3 risk of harm to himself or herself or to others, including
4 a significant risk of suicide, homicide, or assault. Such
5 guidance shall further clarify that an institution of higher
6 education that, in good faith, discloses education records
7 or other information (including records described in
8 clauses (ii) or (iv) of subsection (a)(4)(B) of the Family
9 Educational Rights and Privacy Act of 1974) in accord-
10 ance with the requirements of this Act and the Family
11 Educational Rights and Privacy Act of 1974 shall not be
12 liable to any person for that disclosure.

13 **“PART J—RURAL DEVELOPMENT GRANTS FOR**
14 **RURAL COLLEGES AND UNIVERSITIES**

15 **“SEC. 871. PURPOSE.**

16 “The purposes of this part are—

17 “(1) to increase—

18 “(A) enrollment and graduation rates from
19 2-year and 4-year colleges, and articulation
20 from 2-year degree programs into 4-year degree
21 programs of graduates of rural high schools;
22 and

23 “(B) degree completion for nontraditional
24 students from rural areas; and

1 “(2) to promote economic growth and develop-
2 ment in rural America through partnership grants to
3 consortia of rural colleges and universities and other
4 entities, such as local education agencies, employers,
5 education service agencies, and nonprofit organiza-
6 tions.

7 **“SEC. 872. DEFINITIONS.**

8 “For the purposes of this part:

9 “(1) RURAL INSTITUTION OF HIGHER EDU-
10 CATION.—The term ‘rural institution of higher edu-
11 cation’ means an institution of higher education (as
12 such term is defined in section 101(a)) that pri-
13 marily serves rural areas.

14 “(2) RURAL AREA.—The term ‘rural area’
15 means means an area in which there is located a
16 rural local educational agency.

17 “(3) RURAL LOCAL EDUCATION AGENCY.—The
18 term ‘rural local education agency’ means a local
19 educational agency (as such term is defined in sec-
20 tion 9101 of the Elementary and Secondary Edu-
21 cation Act of 1965) all of the schools of which meet
22 a metro-centric locale code of 41, 42, or 43 as deter-
23 mined by the National Center for Education Statis-
24 tics (NCES), in conjunction with the Bureau of the

1 Census, using the NCES system for classifying local
2 educational agencies.

3 “(4) NONTRADITIONAL STUDENT.—The term
4 ‘nontraditional student’ means an individual who—

5 “(A) delays enrollment in an institution of
6 higher education by 3 or more years after com-
7 pleting high school;

8 “(B) attends an institution of higher edu-
9 cation part-time or less than part-time; or

10 “(C) attends an institution of higher edu-
11 cation and—

12 “(i) works full-time;

13 “(ii) is an independent student;

14 “(iii) has one or more dependents
15 other than a spouse;

16 “(iv) is a single parent; or

17 “(v) does not have a high school di-
18 ploma.

19 “(5) REGIONAL EMPLOYER.—The term ‘re-
20 gional employer’ means employers qualifying as busi-
21 nesses or other entities employing individuals within
22 a rural area.

1 **“SEC. 873. ENSURING COLLEGE ACCESS FOR RURAL HIGH**
2 **SCHOOL GRADUATES.**

3 “(a) GRANTS AUTHORIZED.—From the amounts ap-
4 propriated to carry out this part under section 800, the
5 Secretary of Education is authorized to make grants in
6 accordance with this section to partnerships formed be-
7 tween one or more rural institution of higher education
8 and any of the following entities:

9 “(1) One or more rural local educational agen-
10 cies.

11 “(2) One or more rural education service agen-
12 cies.

13 “(3) One or more regional employers.

14 “(4) One or more nonprofit organizations with
15 expertise in rural education.

16 “(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To
17 be eligible for a grant under this section, a partnership
18 that meets the requirements of subsection (a) shall submit
19 to the Secretary an application in such form and con-
20 taining such information as the Secretary shall prescribe.
21 In determining which applications to approve for a grant
22 under this section, the Secretary shall consider—

23 “(1) the percentage of graduates, attendees, or
24 former attendees of high schools from rural local
25 educational agencies enrolled or otherwise affiliated
26 with the entity;

1 “(2) in the case of employers, the percentage of
2 employees that are graduates of high schools in
3 rural local educational agencies.

4 “(c) USE OF GRANT AMOUNTS.—Funds made avail-
5 able by a grant under this section to a partnership that
6 meets the requirements of shall be used—

7 “(1) to improve enrollment rates for graduates
8 and former attendees of rural high schools at rural
9 institutions of higher education, including—

10 “(A) programs to provide information
11 about college costs and financial aid options, as-
12 sistance with college enrollment applications,
13 and assistance with financial aid applications;

14 “(B) programs or initiatives that provide
15 such individuals of rural high schools access
16 and exposure to campuses, classes, programs,
17 and facilities of rural institutions of higher edu-
18 cation, including covering the cost of transpor-
19 tation to and from institutions of higher edu-
20 cation;

21 “(C) the formation of groups or other ini-
22 tiatives that create support groups of such stu-
23 dents expressing interest in attending rural in-
24 stitutions of higher education;

1 “(D) extra curricular activities, such as in-
2 ternships, community service, and other activi-
3 ties for such individuals in advance of attending
4 institutions of higher education; and

5 “(E) other initiatives that assist such indi-
6 viduals in applying and developing interest in
7 attending rural institutions of higher education;
8 and

9 “(2) to encourage participation of nontradi-
10 tional students in degree programs at rural institu-
11 tions of higher education, including—

12 “(A) programs to provide information
13 about college costs and financial aid options, as-
14 sistance with college enrollment applications,
15 and assistance with financial aid applications
16 for institutions of higher education;

17 “(B) outreach to nontraditional students
18 through community initiatives; and

19 “(C) formation of support groups for non-
20 traditional students enrolling in 2-year degree
21 programs and articulating from 2-year degree
22 programs to 4-year degree programs.

23 **“SEC. 874. ECONOMIC DEVELOPMENT PARTNERSHIPS.**

24 “(a) GRANTS AUTHORIZED.—From the amounts ap-
25 propriated to carry out this part under section 800, the

1 Secretary of Education is authorized to make grants in
2 accordance with this section to partnerships formed be-
3 tween one or more rural institutions of higher education
4 and one or more regional employers.

5 “(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To
6 be eligible for a grant under this section, a partnership
7 that meets the requirements of subsection (a) shall submit
8 to the Secretary an application in such form and con-
9 taining such information as the Secretary shall prescribe.
10 In determining which applications to approve for a grant
11 under this section, the Secretary shall consider—

12 “(1) the potential of the employer to employ
13 graduates of rural institutions of education after
14 graduation;

15 “(2) the potential of the employer engaged in
16 the partnership to spur economic development in the
17 region; and

18 “(3) the relevance of the employer to the re-
19 gional economy.

20 “(c) USE OF GRANT AMOUNTS.—Funds made avail-
21 able by a grant under this section to a partnership that
22 meets the requirements of subsection (a) shall be used—

23 “(1) to provide additional career training to
24 attendees of rural institutions of education in fields
25 relevant to the regional economy; and

1 “(2) to encourage regional businesses to employ
2 graduates of rural institutions of education.

3 **“SEC. 875. QUALITY OF LIFE IN RURAL AREAS.**

4 “(a) GRANTS AUTHORIZED.—From the amounts ap-
5 propriated to carry out this part under section 800, the
6 Secretary of Education is authorized to make grants in
7 accordance with this section to rural institutions of higher
8 education.

9 “(b) USE OF GRANT AMOUNTS.—Funds made avail-
10 able by a grant under this section to a partnership that
11 meets the requirements of subsection (a) shall be used to
12 create or strengthen academic programs to prepare
13 graduates to enter into high-need occupations in the re-
14 gional and local economies

15 **“SEC. 876. ALLOCATION OF APPROPRIATIONS.**

16 “(a) GRANT CONSIDERATIONS.—In making grant al-
17 locations under this part to qualifying institutions and
18 partnerships, the Secretary shall consider—

19 “(1) the percentage of graduates of rural high
20 schools attending rural institutions of higher edu-
21 cation in proximity to the entity receiving the grant;

22 “(2) employment needs of regional employers in
23 proximity to entities receiving the grant; and

24 “(3) the health of the regional economy of the
25 region surrounding the entity receiving the grant.

1 “(b) MAXIMUM AND MINIMUM GRANTS.—No grant
2 awarded by the Secretary under this part shall be less
3 than \$200,000 or more than \$500,000.

4 “(c) GRANT DURATION.—A grant awarded under
5 this part shall be awarded for one 3-year period.

6 **“PART K—IMPROVING SCIENCE, TECHNOLOGY,
7 ENGINEERING, AND MATHEMATICS EDU-
8 CATION WITH A FOCUS ON ALASKA NATIVE
9 AND NATIVE HAWAIIAN STUDENTS**

10 **“SEC. 880. IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-
11 ING, AND MATHEMATICS EDUCATION WITH A
12 FOCUS ON ALASKA NATIVE AND NATIVE HA-
13 WAIIAN STUDENTS.**

14 “(a) PURPOSE.—The purpose of this section is—

15 “(1) to develop or expand programs for the de-
16 velopment of professionals in the fields of science,
17 technology, engineering, and mathematics; and

18 “(2) to focus resources on meeting the edu-
19 cational and cultural needs of Alaska Natives and
20 Native Hawaiians.

21 “(b) DEFINITIONS.—In this section:

22 “(1) ALASKA NATIVE.—The term ‘Alaska Na-
23 tive’ has the meaning given the term ‘Native’ in sec-
24 tion 3(b) of the Alaska Natives Claims Settlement
25 Act (43 U.S.C. 1602(b)).

1 “(2) INSTITUTION OF HIGHER EDUCATION.—

2 The term ‘institution of higher education’ has the
3 meaning given the term in section 101(a).

4 “(3) ELIGIBLE PARTNERSHIP.—The term ‘eligi-
5 ble partnership’ means a partnership that includes—

6 “(A) 1 or more colleges or schools of engi-
7 neering;

8 “(B) 1 or more colleges of science, engi-
9 neering, or mathematics;

10 “(C) 1 or more institutions of higher edu-
11 cation that offer 2-year degrees; and

12 “(D) 1 or more private entities that—

13 “(i) conduct career awareness activi-
14 ties showcasing local technology profes-
15 sionals;

16 “(ii) encourage students to pursue
17 education in science, technology, engineer-
18 ing, and mathematics from elementary
19 school through college, and careers in
20 those fields, with the assistance of local
21 technology professionals;

22 “(iii) develop internships, apprentice-
23 ships, and mentoring programs in partner-
24 ship with relevant industries; and

1 “(iv) assist with placement of interns
2 and apprentices.

3 “(4) NATIVE HAWAIIAN.—The term ‘Native
4 Hawaiian’ has the meaning given the term in section
5 7207 of the Elementary and Secondary Education
6 Act of 1965.

7 “(c) GRANT AUTHORIZED.—From the amounts ap-
8 propriated to carry out this part under section 800, the
9 Secretary is authorized to award a grant to an eligible
10 partnership to enable the eligible partnership to expand
11 programs for the development of science, technology, engi-
12 neering, or mathematics professionals, from elementary
13 school through college, including existing programs for
14 Alaska Native and Native Hawaiian students.

15 “(d) USES OF FUNDS.—Grant funds under this sec-
16 tion shall be used for 1 or more of the following:

17 “(1) Development or implementation of cul-
18 tural, social, or educational transition programs to
19 assist students to transition into college life and aca-
20 demies in order to increase such students’ retention
21 rates in the fields of science, technology, engineer-
22 ing, or mathematics, with a focus on Alaska Native
23 or Native Hawaiian students.

24 “(2) Development or implementation of aca-
25 demic support or supplemental educational programs

1 to increase the graduation rates of students in the
2 fields of science, technology, engineering, or mathe-
3 matics, with a focus on Alaska Native and Native
4 Hawaiian students.

5 “(3) Development or implementation of intern-
6 ship programs, carried out in coordination with edu-
7 cational institutions and private entities, to prepare
8 students for careers in the fields of science, tech-
9 nology, engineering, or mathematics, with a focus on
10 programs that serve Alaska Native or Native Hawai-
11 ian students.

12 “(4) Such other activities that are consistent
13 with the purposes of this section.

14 “(e) APPLICATION.—Each eligible partnership that
15 desires a grant under this section shall submit an applica-
16 tion to the Secretary at such time, in such manner, and
17 containing such information as the Secretary may require.

18 “(f) PRIORITY.—In awarding grants under this sec-
19 tion, the Secretary shall give priority to an eligible part-
20 nership that provides 1 or more programs in which 30 per-
21 cent or more of the program participants are Alaska Na-
22 tive or Native Hawaiian.

23 “(g) PERIOD OF GRANT.—A grant under this section
24 shall be awarded for a period of 5 years.

1 “(h) EVALUATION AND REPORT.—Each eligible part-
2 nership that receives a grant under this section shall con-
3 duct an evaluation to determine the effectiveness of the
4 programs funded under the grant and shall provide a re-
5 port regarding the evaluation to the Secretary not later
6 than 6 months after the end of the grant period.

7 **“PART L—NATIONAL DATABASE ON FINANCIAL**
8 **ASSISTANCE FOR STUDY OF SCIENCE, TECH-**
9 **NOLOGY, ENGINEERING, AND MATHEMATICS**
10 **“SEC. 881. NATIONAL DATABASE ON FINANCIAL ASSIST-**
11 **ANCE FOR STUDY OF SCIENCE, TECHNOLOGY,**
12 **ENGINEERING, AND MATHEMATICS.**

13 “(a) ESTABLISHMENT AND MAINTENANCE OF DATA-
14 BASE.—

15 “(1) DATABASE.—The Secretary of Education
16 shall establish and maintain, on the public website
17 of the Department of Education, a database con-
18 sisting of information on scholarships, fellowships,
19 and other programs of financial assistance available
20 from public and private sources for the study of
21 science, technology, engineering, or mathematics at
22 the post-secondary and post-baccalaureate levels.

23 “(2) PRESENTATION OF INFORMATION.—The
24 information maintained on the database established

1 under this section shall be displayed on the website
2 in the following manner:

3 “(A) Separate information shall be pro-
4 vided for each of the fields of study referred to
5 in paragraph (1) and for post-secondary and
6 post-baccalaureate programs of financial assist-
7 ance.

8 “(B) The database shall provide specific
9 information on any programs of financial assist-
10 ance which are targeted to individuals of a par-
11 ticular gender, ethnicity, or other demographic
12 group.

13 “(C) If the sponsor of any program of fi-
14 nancial assistance included on the database
15 maintains a public website, the database shall
16 provide hyperlinks to the website.

17 “(D) In addition to providing the hyperlink
18 to the website of a sponsor of a program of fi-
19 nancial assistance as required under subpara-
20 graph (C), the database shall provide general
21 information that an interested person may use
22 to contact the sponsor, including the sponsor’s
23 electronic mail address.

24 “(E) The database shall have a search ca-
25 pability which permits an individual to search

1 for information on the basis of each category of
2 the information provided and on the basis of
3 combinations of categories of the information
4 provided, including whether the scholarship is
5 need- or merit-based and by relevant academic
6 majors.

7 “(F) The database shall include a rec-
8 ommendation that students and families should
9 carefully review all of the application require-
10 ments prior to applying for aid, and a dis-
11 claimer that the scholarships presented in the
12 database are not provided or endorsed by the
13 Department of Education or the Federal Gov-
14 ernment.

15 “(b) DISSEMINATION OF INFORMATION ON DATA-
16 BASE.—The Secretary shall take such actions as may be
17 necessary on an ongoing basis, including sending notices
18 to secondary schools and institutions of higher education,
19 to disseminate information on the database established
20 and maintained under this part and to encourage its use
21 by interested parties.

22 “(c) USE OF VENDOR TO OBTAIN INFORMATION.—
23 In carrying out this part, the Secretary of Education shall
24 enter into a contract with a private entity under which
25 the entity shall furnish and regularly update all of the in-

1 formation required to be maintained on the database es-
2 tablished under this section.

3 “(d) ENCOURAGING THE PROVISION OF INFORMA-
4 TION.—In carrying out this part, the Secretary of Edu-
5 cation and the contracted entity shall consult with public
6 and private sources of scholarships and make easily avail-
7 able a process for such entities to provide regular and up-
8 dated information.

9 **“PART M—TRAINING FOR REALTIME WRITERS**

10 **“SEC. 882. PROGRAM TO PROMOTE TRAINING AND JOB**
11 **PLACEMENT OF REALTIME WRITERS.**

12 “(a) AUTHORIZATION OF GRANT PROGRAM.—

13 “(1) IN GENERAL.—From the amounts
14 appropriated to carry out this part under section
15 800, the Secretary of Commerce shall make competi-
16 tive grants to eligible entities under subsection (b) to
17 promote training and placement of individuals, in-
18 cluding individuals who have completed a court re-
19 porting training program, as realtime writers in
20 order to meet the requirements for closed captioning
21 of video programming set forth in section 713 of the
22 Communications Act of 1934 (47 U.S.C. 613) and
23 the rules prescribed thereunder.

1 “(2) ELIGIBLE ENTITIES.—For purposes of this
2 part, an eligible entity is a court reporting program
3 that—

4 “(A) can document and demonstrate to the
5 Secretary of Commerce that it meets minimum
6 standards of educational and financial account-
7 ability, with a curriculum capable of training
8 realtime writers qualified to provide captioning
9 services;

10 “(B) is accredited by an accrediting agency
11 recognized by the Department of Education;
12 and

13 “(C) is participating in student aid pro-
14 grams under title IV.

15 “(3) PRIORITY IN GRANTS.—In determining
16 whether to make grants under this section, the Sec-
17 retary of Commerce shall give a priority to eligible
18 entities that, as determined by the Secretary—

19 “(A) possess the most substantial capa-
20 bility to increase their capacity to train realtime
21 writers;

22 “(B) demonstrate the most promising col-
23 laboration with local educational institutions,
24 businesses, labor organizations, or other com-
25 munity groups having the potential to train or

1 provide job placement assistance to realtime
2 writers; or

3 “(C) propose the most promising and inno-
4 vative approaches for initiating or expanding
5 training or job placement assistance efforts
6 with respect to realtime writers.

7 “(4) DURATION OF GRANT.—A grant under
8 this section shall be for a period of 2 years.

9 “(5) MAXIMUM AMOUNT OF GRANT.—The
10 amount of a grant provided under subsection (a) to
11 an entity eligible may not exceed \$1,500,000 for the
12 2-year period of the grant under paragraph (4).

13 “(b) APPLICATION.—

14 “(1) IN GENERAL.—To receive a grant under
15 subsection (a), an eligible entity shall submit an ap-
16 plication to the Secretary of Commerce at such time
17 and in such manner as the secretary may require.
18 The application shall contain the information set
19 forth under paragraph (2).

20 “(2) INFORMATION.—Information in the appli-
21 cation of an eligible entity under subsection (a) for
22 a grant under subsection (a) shall include the fol-
23 lowing:

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 meas-
4 ures to be utilized to evaluate the progress of
5 individuals receiving such training and assist-
6 ance in matters relating to enrollment, comple-
7 tion of training, and job placement and reten-
8 tion.

9 “(C) A description of the manner in which
10 the eligible entity will ensure that recipients of
11 scholarships, if any, funded by the grant will be
12 employed and retained as realtime writers.

13 “(D) A description of the manner in which
14 the eligible entity intends to continue providing
15 the training and assistance to be funded by the
16 grant after the end of the grant period, includ-
17 ing any partnerships or arrangements estab-
18 lished for that purpose.

19 “(E) A description of how the eligible enti-
20 ty will work with local workforce investment
21 boards to ensure that training and assistance to
22 be funded with the grant will further local
23 workforce goals, including the creation of edu-
24 cational opportunities for individuals who are

1 from economically disadvantaged backgrounds
2 or are displaced workers.

3 “(F) Additional information, if any, of the
4 eligibility of the eligible entity for priority in the
5 making of grants under subsection (a)(3).

6 “(G) Such other information as the Sec-
7 retary may require.

8 “(c) USE OF FUNDS.—

9 “(1) IN GENERAL.—An eligible entity receiving
10 a grant under subsection (a) shall use the grant
11 amount for purposes relating to the recruitment,
12 training and assistance, and job placement of indi-
13 viduals, including individuals who have completed a
14 court reporting training program, as realtime writ-
15 ers, including—

16 “(A) recruitment;

17 “(B) subject to paragraph (2), the provi-
18 sion of scholarships;

19 “(C) distance learning;

20 “(D) further developing and implementing
21 both English and Spanish curriculum to more
22 effectively train realtime writing skills, and edu-
23 cation in the knowledge necessary for the deliv-
24 ery of high-quality closed captioning services;

1 “(E) mentoring students to ensure success-
2 ful completion of the realtime training and pro-
3 vide assistance in job placement;

4 “(F) encouraging individuals with disabil-
5 ities to pursue a career in realtime writing; and

6 “(G) the employment and payment of per-
7 sonnel for all such purposes.

8 “(2) SCHOLARSHIPS.—

9 “(A) AMOUNT.—The amount of a scholar-
10 ship under paragraph (1)(B) shall be based on
11 the amount of need of the recipient of the
12 scholarship for financial assistance, as deter-
13 mined in accordance with part F of title IV.

14 “(B) AGREEMENT.—Each recipient of a
15 scholarship under paragraph (1)(B) shall enter
16 into an agreement with the school in which the
17 recipient is enrolled to provide realtime writing
18 services for a period of time appropriate (as de-
19 termined by the Secretary of Commerce or the
20 Secretary’s designee) for the amount of the
21 scholarship received.

22 “(C) COURSEWORK AND EMPLOYMENT.—
23 The Secretary of Commerce or the Secretary’s
24 designee shall establish requirements for
25 coursework and employment for recipients of

1 scholarships under paragraph (1)(B), including
2 requirements for repayment of scholarship
3 amounts in the event of failure to meet such re-
4 quirements for coursework and employment.
5 Requirements for repayment of scholarship
6 amounts shall take into account the effect of
7 economic conditions on the capacity of scholar-
8 ship recipients to find work as realtime writers.

9 “(3) ADMINISTRATIVE COSTS.—The recipient of
10 a grant under section 3 may not use more than 5
11 percent of the grant amount to pay administrative
12 costs associated with activities funded by the grant.
13 The Secretary shall use not more than 5 percent of
14 the amount available for grants under this part in
15 any fiscal year for administrative costs of the pro-
16 gram.

17 “(4) SUPPLEMENT NOT SUPPLANT.—Grants
18 amounts under this part shall supplement and not
19 supplant other Federal or non-Federal funds of the
20 grant recipient for purposes of promoting the train-
21 ing and placement of individuals as realtime writers.

22 “(d) REPORTS.—

23 “(1) ANNUAL REPORTS.—Each eligible entity
24 receiving a grant under subsection (a) shall submit
25 to the Secretary of Commerce, at the end of each

1 year of the grant period, a report on the activities
2 of such entity with respect to the use of grant
3 amounts during such year.

4 “(2) REPORT INFORMATION.—

5 “(A) IN GENERAL.—Each report of an en-
6 tity for a year under paragraph (1) shall in-
7 clude a description of the use of grant amounts
8 by the entity during such year, including an as-
9 sessment by the entity of the effectiveness of
10 activities carried out using such funds in in-
11 creasing the number of realtime writers. The
12 assessment shall utilize the performance meas-
13 ures submitted by the entity in the application
14 for the grant under subsection (b)(2).

15 “(B) FINAL REPORT.—The final report of
16 an entity on a grant under paragraph (1) shall
17 include a description of the best practices iden-
18 tified by the entity as a result of the grant for
19 increasing the number of individuals who are
20 trained, employed, and retained in employment
21 as realtime writers.

22 “(3) ANNUAL REVIEW.—The Inspector General
23 of the Department of Commerce shall conduct an
24 annual review of the management, efficiency, and ef-
25 fectiveness of the grants made under this part.

1 **“PART N—CENTERS OF EXCELLENCE IN**
2 **VETERAN STUDENT SUCCESS**

3 **“SEC. 883. MODEL PROGRAMS FOR CENTERS OF EXCEL-**
4 **LENCE IN VETERAN STUDENT SUCCESS.**

5 “(a) PURPOSE.—It is the purpose of this section to
6 encourage model programs to support veteran student suc-
7 cess in postsecondary education by coordinating services
8 to address the academic, financial, physical, and social
9 needs of veteran students.

10 “(b) GRANTS AUTHORIZED.—

11 “(1) IN GENERAL.—Subject to the availability
12 of appropriations under section 800, the Secretary
13 shall award grants to institutions of higher edu-
14 cation to develop model programs to support veteran
15 student success in postsecondary education.

16 “(2) GRANT PERIOD.—A grant awarded under
17 this section shall be awarded for a period of 3 years.

18 “(c) USE OF GRANTS.—

19 “(1) REQUIRED ACTIVITIES.—An institution of
20 higher education receiving a grant under this section
21 shall use such grant to carry out a model program
22 that includes—

23 “(A) establishing of a Center for Excel-
24 lence for Veterans on the campus of the institu-
25 tion to provide a single point of contact to co-

1 ordinate comprehensive support services for vet-
2 eran students;

3 “(B) establishing a veteran students sup-
4 port team, including representatives from the
5 offices of the institution responsible for admis-
6 sions, registration, financial aid, veterans bene-
7 fits, academic advising, student health, personal
8 or mental health counseling, career advising,
9 disabilities services, and any other office of the
10 institution that provides support to veteran stu-
11 dents on 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 stu-
17 dent enrollment, persistence, and completion;
18 and

19 “(E) developing a plan to sustain the Cen-
20 ter of Excellence for Veteran Student Success
21 after the grant period.

22 “(2) OTHER AUTHORIZED ACTIVITIES.—An in-
23 stitution of higher education receiving a grant under
24 this section may use such grant to carry out any of

1 the following activities with respect to veteran stu-
2 dents:

3 “(A) Outreach and recruitment of such
4 students.

5 “(B) Supportive instructional services for
6 such students, which may include—

7 “(i) personal, academic, and career
8 counseling, as an on-going part of the pro-
9 gram;

10 “(ii) tutoring and academic skill-build-
11 ing instruction assistance, as needed; and

12 “(iii) assistance with special admis-
13 sions and transfer of credit from previous
14 postsecondary education or experience.

15 “(C) Assistance in obtaining student finan-
16 cial aid.

17 “(D) Housing support for students living
18 in institutional facilities and commuting stu-
19 dents.

20 “(E) Cultural events, academic programs,
21 orientation programs, and other activities de-
22 signed to ease the transition to campus life for
23 such students.

1 “(F) Support for veteran student organiza-
2 tions and veteran student support groups on
3 campus.

4 “(G) Coordination of academic advising
5 and admissions counseling with military bases
6 and national guard units in the area.

7 “(H) Other support services the institution
8 determines to be necessary to ensure the suc-
9 cess of such students in achieving their edu-
10 cational and career goals.

11 “(d) APPLICATION; SELECTION.—

12 “(1) APPLICATION.—To be considered for a
13 grant under this section, an institution of higher
14 education shall submit to the Secretary an applica-
15 tion at such time, in such manner, and accompanied
16 by such information as the Secretary may require.

17 “(2) SELECTION CONSIDERATIONS.—In award-
18 ing grants under this section, the Secretary shall
19 consider—

20 “(A) the number of veteran students en-
21 rolled at an institution of higher education; and

22 “(B) the need for model programs to ad-
23 dress the needs of veteran students at a wide
24 range of institutions of higher education, in-
25 cluding the need to provide—

1 “(i) an equitable distribution of such
2 grants to institutions of higher education
3 of various types and sizes;

4 “(ii) an equitable geographic distribu-
5 tion of such grants; and

6 “(iii) an equitable distribution of such
7 grants among rural and urban areas.

8 “(e) **EVALUATION AND ACCOUNTABILITY PLAN.**—
9 The Secretary shall develop an evaluation and account-
10 ability plan for model programs funded under this section
11 to objectively measure the impact of such programs, in-
12 cluding a measure of whether postsecondary education en-
13 rollment, persistence, and completion for veterans in-
14 creases as a result of such programs.

15 **“PART O—UNIVERSITY SUSTAINABILITY**
16 **PROGRAMS**

17 **“Subpart 1—Sustainability Planning Grants**

18 **“SEC. 884. GRANTS AUTHORIZED.**

19 “(a) **PROGRAM AUTHORIZED.**—

20 “(1) **IN GENERAL.**—From the amounts appro-
21 priated to carry out this part under section 800, the
22 Secretary shall, make grants to eligible entities to
23 establish sustainability programs to design and im-
24 plement sustainability practices including in the
25 areas of energy management, green building, waste

1 management, purchasing, transportation, and toxics
2 management, and other aspects of sustainability
3 that integrate campus operations with multidisci-
4 plinary academic programs and are applicable to the
5 private and government sectors.

6 “(2) PERIOD OF GRANT.—The provision of pay-
7 ments under a grant under paragraph (1) may ex-
8 tend over a period of not more than 4 fiscal years.

9 “(3) DEFINITION OF ELIGIBLE ENTITIES.—For
10 purposes of this part, the term ‘eligible entity’
11 means—

12 “(A) an institution of higher education
13 that grants 2 or 4-year undergraduate degrees,
14 or masters and doctoral degrees, or both; or

15 “(B) a non-profit consortia, association, al-
16 liance, or collaboration operating in partnership
17 with one or more institutions of higher edu-
18 cation that received funds for the implementa-
19 tion of work associated with sustainability pro-
20 grams under this part.

21 “(b) APPLICATIONS.—

22 “(1) IN GENERAL.—To receive a grant under
23 subsection (a)(1), an eligible entity shall submit an
24 application to the Secretary at such time, in such

1 form, and containing such information as the Sec-
2 retary may reasonably require.

3 “(2) ASSURANCES.—Such application shall in-
4 clude assurances that the eligible entity—

5 “(A) has developed or shall develop a plan,
6 including an evaluation component, for the pro-
7 gram component established pursuant to sub-
8 section (c);

9 “(B) shall use Federal funds received from
10 a grant under subsection (a)(1) to supplement,
11 not supplant, non-Federal funds that would
12 otherwise be available for projects funded under
13 such section;

14 “(C) shall provide, with respect to any fis-
15 cal year in which such entity receives funds
16 from a grant under subsection (a)(1), non-Fed-
17 eral funds or an in-kind contribution in an
18 amount equal to 20 percent of funds from such
19 grant, for the purpose of carrying out the pro-
20 gram component established in subsection (c);
21 and

22 “(D) shall collaborate with business, gov-
23 ernment, and the nonprofit sectors in the devel-
24 opment and implementation of its sustainability
25 plan.

1 “(c) USE OF FUNDS.—

2 “(1) INDIVIDUAL INSTITUTIONS.—Grants made
3 under subsection (a) may be used by an eligible enti-
4 ty that is an individual institution of higher edu-
5 cation for the following purposes:

6 “(A) To develop and implement adminis-
7 trative and operations practices at institutions
8 of higher education that test, model, and ana-
9 lyze principles of sustainability.

10 “(B) To establish multidisciplinary edu-
11 cation, research, and outreach programs at in-
12 stitutions of higher education that address the
13 environmental, social, and economic dimensions
14 of sustainability.

15 “(C) To support research and teaching ini-
16 tiatives that focus on multidisciplinary and inte-
17 grated environmental, economic, and social ele-
18 ments.

19 “(D) To establish initiatives in the areas of
20 energy management, green building, waste
21 management, purchasing, toxics management,
22 transportation, and other aspects of sustain-
23 ability.

24 “(E) To support student, faculty, and staff
25 work at institutions of higher education to im-

1 plement, research, and evaluate sustainable
2 practices.

3 “(F) To establish sustainability literacy as
4 a requirement for undergraduate and graduate
5 degree programs.

6 “(G) To integrate sustainability curriculum
7 in all programs of instruction, particularly in
8 business, architecture, technology, manufac-
9 turing, engineering, and science programs.

10 “(2) PARTNERSHIPS.—Grants made under sub-
11 section (a) may be used by an eligible entity that is
12 a non-profit consortia, association, alliance, or col-
13 laboration operating as a partnership with one or
14 more institutions of higher education for the fol-
15 lowing purposes:

16 “(A) To conduct faculty, staff and/or ad-
17 ministrator training on the subjects of sustain-
18 ability and institutional change.

19 “(B) To compile, evaluate and disseminate
20 best practices, case studies, guidelines and
21 standards.

22 “(C) To conduct efforts to engage external
23 stakeholders such as business, alumni, and ac-
24 crediting agencies in the process of building

1 support for research, education and technology
2 development for sustainability.

3 “(D) To conduct professional development
4 programs for faculty in all disciplines to enable
5 faculty to incorporate sustainability content in
6 their courses.

7 “(E) To enable an appropriate non-profit
8 consortia, association, alliance, or collaboration
9 operating in partnership with an institution of
10 higher education to create the analytical tools
11 necessary for institutions of higher education to
12 assess and measure their individual progress to-
13 ward fully sustainable campus operations and
14 fully integrating sustainability into the cur-
15 riculum.

16 “(F) To develop educational benchmarks
17 for institutions of higher education to determine
18 the necessary rigor and effectiveness of aca-
19 demic sustainability programs.

20 “(d) REPORTS.—An eligible entity that receives a
21 grant under subsection (a)(1) shall submit to the Sec-
22 retary, for each fiscal year in which the entity receives
23 amounts from such grant, a report that describes the work
24 conducted pursuant to subsection (c), research findings

1 and publications, administrative savings experienced, and
2 an evaluation of the program.

3 “(e) ALLOCATION REQUIREMENT.—The Secretary
4 may not make grants under subsection (a)(1) to any eligi-
5 ble entity in a total amount that is less than \$250,000
6 or more than \$2,000,000.

7 **“Subpart 2—Summit on Sustainability**

8 **“SEC. 885. SUMMIT ON SUSTAINABILITY.**

9 “Not later than September 30, 2008, the Secretary
10 of Education shall convene a summit of higher education
11 experts working in the area of sustainable operations and
12 programs, representatives from agencies of the Federal
13 Government, and business and industry leaders to focus
14 on efforts of national distinction that—

15 “(1) encourage faculty, staff, and students at
16 institutions of higher education to establish adminis-
17 trative and academic sustainability programs on
18 campus;

19 “(2) enhance research by faculty and students
20 at institutions of higher education in sustainability
21 practices and innovations that assist and improve
22 sustainability;

23 “(3) encourage institutions of higher education
24 to work with community partners from the business,
25 government, and nonprofit sectors to design and im-

1 plement sustainability programs for application in
2 the community and workplace;

3 “(4) identify opportunities for partnerships in-
4 volving institutions of higher education and the Fed-
5 eral Government to expand sustainable operations
6 and academic programs focused on environmental
7 and economic sustainability; and

8 “(5) charge the summit participants or steering
9 committee to submit a set of recommendations for
10 addressing sustainability through institutions of
11 higher education.

12 **“PART P—MODELING AND SIMULATION**

13 **PROGRAMS**

14 **“SEC. 886. MODELING AND SIMULATION.**

15 “(a) PURPOSE; DEFINITION.—

16 “(1) PURPOSE.—The purpose of this section is
17 to promote the study of modeling and simulation at
18 institutions of higher education, through the collabo-
19 ration with new and existing programs, and specifi-
20 cally to promote the use of technology in such study
21 through the creation of accurate models that can
22 simulate processes or recreate real life, by—

23 “(A) establishing a task force at the De-
24 partment of Education to raise awareness of

1 and define the study of modeling and simula-
2 tion;

3 “(B) provide grants to institutions of high-
4 er education to develop new modeling and sim-
5 ulation degree programs; and

6 “(C) create grants for institutions of high-
7 er education to enhance existing modeling and
8 simulation degree programs.

9 “(2) DEFINITION.—In this section, the term
10 ‘modeling and simulation’ means a field of study re-
11 lated to the application of computer science and
12 mathematics to develop a level of understanding of
13 the interaction of the parts of a system and of a sys-
14 tem as a whole.

15 “(b) ESTABLISHMENT OF TASKFORCE.—

16 “(1) IN GENERAL.—Subject to the availability
17 of appropriations, the Secretary shall establish a
18 taskforce within the Department of Education to
19 study modeling and simulation and to support the
20 development of the modeling and simulation field.
21 The activities of such taskforce shall include—

22 “(A) helping to define the study of mod-
23 eling and simulation (including the content of
24 modeling and simulation classes and programs);

1 “(B) identifying best practices for such
2 study;

3 “(C) identifying core knowledge and skills
4 that individuals who participate in modeling
5 and simulation programs should acquire; and

6 “(D) providing recommendations to the
7 Secretary with respect to—

8 “(i) the information described in sub-
9 paragraphs (A) through (C); and

10 “(ii) a system by which grants under
11 this section will be distributed.

12 “(2) TASKFORCE MEMBERSHIP.—The member-
13 ship of the taskforce under this subsection shall be
14 composed of representatives from—

15 “(A) institutions of higher education with
16 established modeling and simulation degree pro-
17 grams;

18 “(B) the National Science Foundation;

19 “(C) Federal Government agencies that
20 use modeling and simulation extensively, includ-
21 ing the Department of Defense, the National
22 Institute of Health, the Department of Home-
23 land Security, the Department of Health and
24 Human Services, the Department of Energy,
25 and the Department of Transportation;

1 “(D) private industries with a primary
2 focus on modeling and simulation; and

3 “(E) national modeling and simulation or-
4 ganizations.

5 “(c) ENHANCING MODELING AND SIMULATION AT
6 INSTITUTIONS OF HIGHER EDUCATION.—

7 “(1) ENHANCEMENT GRANTS AUTHORIZED.—

8 “(A) IN GENERAL.—The Secretary is au-
9 thorized to award grants, on a competitive
10 basis, to eligible institutions to enhance mod-
11 eling and simulation degree programs at such
12 eligible institutions.

13 “(B) DURATION OF GRANT.—A grant
14 awarded under this subsection shall be awarded
15 for a 3-year period, and such grant period may
16 be extended for not more than 2 years if the
17 Secretary determines that an eligible institution
18 has demonstrated success in enhancing the
19 modeling and simulation degree program at
20 such eligible institution.

21 “(C) MINIMUM GRANT AMOUNT.—Subject
22 to the availability of appropriations, a grant
23 awarded to an eligible institution under this
24 subsection shall not be for an amount less than
25 \$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) ELIGIBLE INSTITUTIONS.—For the pur-
13 poses of this subsection, an eligible institution is an
14 institution of higher education that—

15 “(A) has an established modeling and sim-
16 ulation degree program, including a major,
17 minor, or career-track program; or

18 “(B) has an established modeling and sim-
19 ulation certificate or concentration program.

20 “(3) APPLICATION.—To be considered for a
21 grant under this subsection, an eligible institution
22 shall submit to the Secretary an application at such
23 time, in such manner, and containing such informa-
24 tion as the Secretary may require. Such application
25 shall include—

1 “(A) a letter from the President or provost
2 of the eligible institution that demonstrates the
3 institution’s commitment to the enhancement of
4 the modeling and simulation program at the in-
5 stitution of higher education;

6 “(B) identification of designated faculty
7 responsible for the enhancement of the institu-
8 tion’s modeling and simulation program; and

9 “(C) a detailed plan for how the grant
10 funds will be used to enhance the modeling and
11 simulation program of the institution.

12 “(4) USES OF FUNDS.—A grant awarded under
13 this subsection shall be used by an eligible institu-
14 tion to carry out the plan developed in accordance
15 with paragraph (3)(C) to enhance modeling and sim-
16 ulation programs at the institution, which may in-
17 clude—

18 “(A) in the case of an institution that is el-
19 igible under paragraph (2)(B), activities to as-
20 sist in the establishment of a major, minor, or
21 career-track modeling and simulation program
22 at the eligible institution;

23 “(B) expanding the multi-disciplinary na-
24 ture of the institution’s modeling and simula-
25 tion programs;

1 “(C) recruiting students into the field of
2 modeling and simulation through the provision
3 of fellowships or assistantships;

4 “(D) creating new courses to compliment
5 existing courses and reflect emerging develop-
6 ments in the modeling and simulation field;

7 “(E) conducting research to support new
8 methodologies and techniques in modeling and
9 simulation; and

10 “(F) purchasing equipment necessary for
11 modeling and simulation programs.

12 “(d) ESTABLISHING MODELING AND SIMULATION
13 PROGRAMS.—

14 “(1) ESTABLISHMENT GRANTS AUTHORIZED.—

15 “(A) IN GENERAL.—The Secretary is au-
16 thorized to award grants to institutions of high-
17 er education to establish a modeling and sim-
18 ulation program, including a major, minor, ca-
19 reer-track, certificate, or concentration pro-
20 gram.

21 “(B) DURATION OF GRANT.—A grant
22 awarded under this subsection shall be awarded
23 for a 3-year period, and such grant period may
24 be extended for not more than 2 years if the
25 Secretary determines that an eligible institution

1 has demonstrated success in establishing a
2 modeling and simulation degree program at
3 such eligible institution.

4 “(C) MINIMUM GRANT AMOUNT.—Subject
5 to the availability of appropriations, a grant
6 awarded to an eligible institution under this
7 subsection shall not be for an amount less than
8 \$750,000.

9 “(D) NON-FEDERAL SHARE.—Each eligible
10 institution receiving a grant under this sub-
11 section shall provide, from non-Federal sources,
12 in cash or in kind, an amount equal to 25 per-
13 cent of the amount of the grant to carry out the
14 activities supported by the grant. The Secretary
15 may waive the non-Federal share requirement
16 under this subparagraph for an eligible institu-
17 tion if the Secretary determines a waiver to be
18 appropriate based on the financial ability of the
19 institution.

20 “(2) APPLICATION.—To apply for a grant
21 under this subsection, an eligible institution shall
22 submit to the Secretary an application at such time,
23 in such manner, and containing such information as
24 the Secretary may require. Such application shall in-
25 clude—

1 “(A) a letter from the President or provost
2 of the eligible institution that demonstrates the
3 institution’s commitment to the establishment
4 of a modeling and simulation program at the
5 institution of higher education;

6 “(B) a detailed plan for how the grant
7 funds will be used to establish a modeling and
8 simulation program at the institution; and

9 “(C) a description of how the modeling
10 and simulation program established under this
11 subsection will complement existing programs
12 and fit in to the institution’s current program
13 and course offerings.

14 “(3) USES OF FUNDS.—A grant awarded under
15 this subsection may be used by an eligible institution
16 to—

17 “(A) establish, or work toward the estab-
18 lishment of, a modeling and simulation pro-
19 gram, including a major, minor, career-track,
20 certificate, or concentration program at the eli-
21 gible institution;

22 “(B) provide adequate staffing to ensure
23 the successful establishment of the modeling
24 and simulation program, which may include the

1 assignment of full-time dedicated or supportive
2 faculty; and

3 “(C) purchasing equipment necessary for a
4 modeling and simulation program.

5 “(e) AUTHORIZATION OF APPROPRIATIONS.— There
6 is authorized to be appropriated to carry out this section
7 \$40,000,000 for fiscal year 2009 and such sums as may
8 be necessary for each of the 4 succeeding fiscal years. Of
9 the amounts authorized to be appropriated for each fiscal
10 year—

11 “(1) \$1,000,000 is authorized to carry out the
12 activities of the task force established pursuant to
13 subsection (b); and

14 “(2) of the amount remaining after the alloca-
15 tion for paragraph (1)—

16 “(A) 50 percent is authorized to carry out
17 the grant program under subsection (c); and

18 “(B) 50 percent is authorized to carry out
19 the grant program under subsection (d).”.

20 **SEC. 802. SENSE OF THE CONGRESS; REPORT.**

21 (a) SENSE OF CONGRESS.—It is the sense of the Con-
22 gress that—

23 (1) in order to provide the borrowers of Federal
24 student loans with the option of converting their
25 loans to income-contingent repayment by providing

1 direct loans for the discharge of such loans (in this
2 section referred to as “direct IDEA loans”), the Sec-
3 retary of Education and the Secretary of the Treas-
4 ury will work together to develop a process by which
5 the borrower will make payments on such loan using
6 the income tax withholding system and will make ap-
7 propriate adjustments to his or her withholding or
8 estimated tax payments for such purposes;

9 (2) the Secretaries shall determine—

10 (A) whether such a repayment option
11 would be beneficial to borrowers and taxpayers;
12 and

13 (B) how such program would be imple-
14 mented by the Departments of Education and
15 Treasury; and

16 (3) this process would—

17 (A) streamline the repayment process and
18 provide greater flexibility for borrowers electing
19 to use the direct IDEA loan;

20 (B) significantly reduce the number of loan
21 defaults by borrowers; and

22 (C) significantly reduce the redundancy in
23 reporting information pertaining to income-con-
24 tingent repayment to the Department of Edu-
25 cation, institutions, and applicants.

1 (b) REPORT.—The Secretaries of Education and the
2 Treasury shall, within one year after the date of enact-
3 ment of this Act—

4 (1) provide the Congress with information on
5 the progress in devising the direct IDEA loan with
6 income-contingent repayment using the income tax
7 withholding system;

8 (2) inform the Congress of any necessary statu-
9 tory changes for the purpose of establishing a direct
10 IDEA loan with income-contingent repayment using
11 the income tax withholding system; and

12 (3) consider international programs dem-
13 onstrating implementation of income-contingent re-
14 payment collected through revenue services, such as
15 programs in England, Australia, and New Zealand.

16 **SEC. 803. INDEPENDENT EVALUATION OF DISTANCE EDU-**
17 **CATION PROGRAMS.**

18 (a) INDEPENDENT EVALUATION.—The Secretary of
19 Education shall enter into an agreement with the National
20 Academy of Sciences to conduct a scientifically correct and
21 statistically valid evaluation of the quality of distance edu-
22 cation programs, as compared to campus-based education
23 programs, at institutions of higher education. Such eval-
24 uation shall include—

1 (1) identification of the elements by which the
2 quality of distance education, as compared to cam-
3 pus-based education, can be assessed, including ele-
4 ments such as subject matter, interactivity, and stu-
5 dent outcomes;

6 (2) identification of distance and campus-based
7 education program success, with respect to student
8 achievement, in relation to the mission of the insti-
9 tution of higher education; and

10 (3) identification of the types of students (in-
11 cluding classification of types of students based on
12 student age) who most benefit from distance edu-
13 cation programs, the types of students who most
14 benefit from campus-based education programs, and
15 the types of students who do not benefit from dis-
16 tance education programs, by assessing elements in-
17 cluding access to higher education, job placement
18 rates, undergraduate graduation rates, and graduate
19 and professional degree attainment rates.

20 (b) SCOPE.—The National Academy of Sciences shall
21 select for participation in the evaluation under subsection
22 (a) a diverse group of institutions of higher education with
23 respect to size, mission, and geographic distribution.

24 (c) INTERIM AND FINAL REPORTS.—The agreement
25 under subsection (a) shall require that the National Acad-

1 emy of Sciences submit to the authorizing committees (as
2 such term is defined in section 103 of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1003)—

4 (1) an interim report regarding the evaluation
5 under subsection (a) not later than December 31,
6 2008; and

7 (2) a final report regarding such evaluation not
8 later than December 31, 2010.

9 **SEC. 804. ENCOURAGING COLLEGES AND UNIVERSITIES TO**
10 **“GO GREEN”.**

11 (a) FINDINGS.—The Committee on Education and
12 Labor of the House of Representatives makes the fol-
13 lowing findings:

14 (1) A commitment to and academic programs
15 for environmental and economic sustainability are
16 essential for our Nation’s future prosperity.

17 (2) The more than 4,200 higher education in-
18 stitutions in the United States have the capacity to
19 innovatively leverage spending and change consump-
20 tion patterns by incorporating concepts of sustain-
21 ability into their academic programs and by mod-
22 eling sustainable economic and environmental prac-
23 tices for their communities.

24 (3) Many colleges and universities have inter-
25 disciplinary programs or centers focusing on equip-

1 ping students with the academic content knowledge
2 needed to understand concepts of sustainability and
3 “going green”.

4 (4) Many colleges and universities have pro-
5 grams related to the research of sustainability and
6 sustainable systems.

7 (5) Academic programs related to sustainability
8 vary in rigor because no national education content
9 standards for academic sustainability programs cur-
10 rently exist.

11 (6) Colleges and universities may partner with
12 businesses to encourage students and faculty to
13 translate academic learning and research into prac-
14 tical solutions that promote sustainability.

15 (7) Colleges and universities that make an ef-
16 fort to reduce energy consumption and promote envi-
17 ronmental sustainability not only reduce their own
18 emissions, but also motivate the leaders of the next
19 generation to action and create technical skills and
20 resources to develop innovative solutions.

21 (8) Many colleges and universities have under-
22 taken detailed, campus-wide assessments of their
23 progress toward “going green” and sustainability or
24 have measured their progress in specific sectors,

1 such as operations, or specific parameters, such as
2 recycling, energy, and water consumption.

3 (9) No system that evaluates and compares col-
4 lege and university campuses in terms of overall sus-
5 tainability-related academic programs and practices
6 currently exists.

7 (b) SENSE OF THE COMMITTEE ON EDUCATION AND
8 LABOR.—It is the sense of the Committee on Education
9 and Labor that in order to encourage increased public
10 awareness of the need to “go green” by using sustainable
11 economic and environmental practices and rigorous sus-
12 tainability academic programs on college and university
13 campuses, the following should be encouraged:

14 (1) The development of educational standards
15 by institutions of higher education to determine the
16 necessary rigor and effectiveness of academic sus-
17 tainability programs.

18 (2) Public awareness of the need for “going
19 green” by using sustainable economic and environ-
20 mental practices.

21 (3) Non-governmental efforts to improve eco-
22 nomic and environmental sustainability efforts on
23 college and university campuses, including holding
24 national summits to share best practices.

1 (4) Collaborative partnerships between Federal
2 agencies, businesses, universities and communities to
3 broaden sustainability practices.

4 **SEC. 805. STUDY OF COSTS OF ENVIRONMENTAL, HEALTH,**
5 **AND SAFETY STANDARDS.**

6 (a) STUDY.—The Secretary of Education shall com-
7 mission the National Research Council to conduct a na-
8 tional study to determine the viability of developing and
9 implementing standards in environmental, health, and
10 safety areas to provide for differential regulation of indus-
11 trial laboratories and facilities, on the one hand, and re-
12 search and teaching laboratories on the other. The Na-
13 tional Research Council shall make specific recommenda-
14 tions for statutory and regulatory changes that are needed
15 to develop such a differential approach.

16 (b) REPORT.—The Secretary of Education shall sub-
17 mit the list of those regulations that impose the greatest
18 compliance costs on institutions of higher education and
19 make recommendations for statutory changes to ease the
20 compliance burden to the authorizing committees (as such
21 term is defined in section 103 of the Higher Education
22 Act of 1965 (20 U.S.C. 1003).

1 **SEC. 806. STUDY OF MINORITY MALE ACADEMIC ACHIEVE-**
2 **MENT.**

3 (a) STUDY REQUIRED.—The Secretary of Education
4 shall—

5 (1) commission and ensure the conduct of a na-
6 tional study of underrepresented minority males,
7 particularly African American and Hispanic Amer-
8 ican males, completing high school, and entering and
9 graduating from colleges and universities in accord-
10 ance with the following:

11 (A) the data comprising the study shall
12 focus primarily on African American and His-
13 panic American males and will utilize existing
14 data sources;

15 (B) the study shall focus on high school
16 completion and preparation for college, success
17 on the SAT and ACT, and minority male access
18 to college, including the financing of college,
19 and college persistence and graduation; and

20 (C) the implementation of the study shall
21 be in four stages based on the recommendations
22 of the Commissioner of Education Statistics;
23 and

24 (2) make specific recommendations to the Con-
25 gress and State superintendents of education on new
26 approaches to increase—

1 (A) the number of minority males success-
2 fully preparing themselves for college study;

3 (B) the number of minority males grad-
4 uating from high school and entering college;
5 and

6 (C) the number of minority males grad-
7 uating from college and entering careers in
8 which they are underrepresented.

9 (b) SUBMISSION OF THE REPORT.—Not later than
10 4 years after the date of enactment of this section, the
11 Secretary shall submit a report on the study required by
12 subsection (a)(1), together with the recommendations re-
13 quired by subsection (a)(2), to the Committee on Health,
14 Education, Labor, and Pensions of the Senate and the
15 Committee on Education and the Labor of the House of
16 Representatives.

17 **SEC. 807. STUDY ON BIAS IN STANDARDIZED TESTS.**

18 (a) STUDY.—The Secretary shall enter into a con-
19 tract with the National Academy of Sciences to conduct
20 a study to identify any race, ethnicity, and gender biases
21 present in the design of standardized tests that are used
22 for admission to institutions of higher education.

23 (b) DATA AVAILABLE TO THE PUBLIC.—Any data
24 collected and used for the study under subsection (a) shall
25 be made publicly available, except that such data shall not

1 be made available in any manner that reveals personally
2 identifiable information relating to any individual.

3 (c) REPORT.—Not later than one year after date of
4 the enactment of this Act, the National Academy of
5 Sciences shall issue an interim report to the authorizing
6 committees (as defined in section 103 of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1003) related to the
8 progress of the study under subsection (a).

9 **SEC. 808. FEASIBILITY STUDY ON STUDENT LOANS.**

10 (a) STUDY REQUIRED.—The Congressional Budget
11 Office shall conduct a study on the feasibility of allowing
12 borrowers in repayment of student loans made under the
13 Higher Education Act of 1965 the option of selecting or
14 renegotiating a fixed or variable interest rate on their
15 loans and the repayment period of such loans. The study
16 shall evaluate various scenarios and options and take into
17 consideration the costs to the government, lenders and
18 borrowers of allowing such an option as well as the impact
19 on service quality.

20 (b) REPORT.—The Congressional Budget Office shall
21 submit a report on the study required by this section to
22 the authorizing committees (as defined in section 103 of
23 the Higher Education Act of 1965 (20 U.S.C. 1003) not
24 later than one year after the date of the enactment of this
25 Act.

1 **SEC. 809. ENDOWMENT REPORT.**

2 (a) ANALYSIS OF ENDOWMENTS.—The Secretary of
3 Education shall conduct a study on the amounts, uses, and
4 public purposes of the endowments of institutions of high-
5 er education. The study shall include information
6 (disaggregated by types of institution) describing—

7 (1) the average and range of—

8 (A) the outstanding balance of such en-
9 dowments;

10 (B) the growth of such endowments over
11 the last 10 years; and

12 (C) the percentage of spending on an an-
13 nual basis and, to the extent practicable, the
14 uses of such endowments by the institutions;
15 and

16 (2) the extent to which the funds in such en-
17 dowments are restricted, and the restrictions placed
18 upon such funds.

19 (b) SUBMISSION OF REPORT.—The Secretary shall
20 submit the report required by subsection (a) to the author-
21 izing committees (as such term is defined in section 103
22 of the Higher Education Act of 1965 (20 U.S.C. 1003))
23 not later than one year after the date of enactment of this
24 Act.

1 **TITLE IX—AMENDMENTS TO**
2 **OTHER LAWS**

3 **PART A—EDUCATION OF THE DEAF ACT OF 1986**

4 **SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION**
5 **CENTER.**

6 Section 104 of the Education of the Deaf Act of 1986
7 (20 U.S.C. 4304) is amended—

8 (1) by striking the section heading and insert-
9 ing “**LAURENT CLERC NATIONAL DEAF EDU-**
10 **CATION CENTER**”;

11 (2) in subsection (a)(1)(A), by inserting “the
12 Laurent Clerc National Deaf Education Center (re-
13 ferred to in this section as the ‘Clerc Center’) to
14 carry out” after “maintain and operate”; and

15 (3) in subsection (b)—

16 (A) in the matter preceding subparagraph
17 (A) of paragraph (1), by striking “elementary
18 and secondary education programs” and insert-
19 ing “Clerc Center”;

20 (B) in paragraph (2), by striking “elemen-
21 tary and secondary education programs” and
22 inserting “Clerc Center”;

23 (C) in paragraph (4)(C)—

24 (i) in clause (i), by striking “(6)” and
25 inserting “(8)”; and

1 (ii) in clause (vi), by striking “(m)”
2 and inserting “(o)”; and

3 (D) by adding at the end the following:

4 “(5) The University, for purposes of the elementary
5 and secondary education programs carried out at the Clerc
6 Center, shall—

7 “(A)(i)(I) select challenging academic content
8 standards, challenging student academic achieve-
9 ment standards, and academic assessments of a
10 State, adopted and implemented, as appropriate,
11 pursuant to paragraphs (1) and (3) of section
12 1111(b) of the Elementary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C. 6311(b)(1) and (3))
14 and approved by the Secretary; or

15 “(II) develop such standards and assessments
16 subject to the approval of the Secretary; and

17 “(ii) implement such standards and assess-
18 ments for such programs by not later than the be-
19 ginning of the 2009–2010 academic year;

20 “(B) annually determine whether such pro-
21 grams at the Clerc Center are making adequate
22 yearly progress, as determined according to the defi-
23 nition of adequate yearly progress defined (pursuant
24 to section 1111(b)(2)(C) of such Act (20 U.S.C.
25 6311(b)(2)(C))) by—

1 “(i) the State that has adopted and imple-
2 mented the standards and assessments selected
3 under subparagraph (A)(i)(I); or

4 “(ii) the University, if the University devel-
5 ops standards and assessments in accordance
6 with subparagraph (A)(i)(II); and

7 “(C) publicly report the results of the academic
8 assessments implemented under subparagraph (A),
9 except where such reporting would not yield statis-
10 tically reliable information or would reveal personally
11 identifiable information about an individual student,
12 and whether the programs at the Clerc Center are
13 making adequate yearly progress, as determined
14 under subparagraph (B).”.

15 **SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.**

16 Section 105(b)(4) of the Education of the Deaf Act
17 of 1986 (20 U.S.C. 4305(b)(4)) is amended—

18 (1) by striking “the Act of March 3, 1931 (40
19 U.S.C. 276a–276a–5) commonly referred to as the
20 Davis-Bacon Act” and inserting “subchapter IV of
21 chapter 31 of title 40, United States Code, com-
22 monly referred to as the Davis-Bacon Act”; and

23 (2) by striking “section 2 of the Act of June
24 13, 1934 (40 U.S.C. 276c)” and inserting “section
25 3145 of title 40, United States Code”.

1 **SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL IN-**
2 **STITUTE FOR THE DEAF.**

3 Section 112 of the Education of the Deaf Act of 1986
4 (20 U.S.C. 4332) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by striking the sec-
7 ond sentence;

8 (B) by redesignating paragraph (2) as
9 paragraph (3); and

10 (C) by inserting after paragraph (1) the
11 following:

12 “(2) If, pursuant to the agreement established
13 under paragraph (1), either the Secretary or the in-
14 stitution of higher education terminates the agree-
15 ment, the Secretary shall consider proposals from
16 other institutions of higher education and enter into
17 an agreement with one of those institutions for the
18 establishment and operation of a National Technical
19 Institute for the Deaf.”; and

20 (2) in subsection (b)—

21 (A) in paragraph (3), by striking “Com-
22 mittee on Labor and Human Resources of the
23 Senate” and inserting “Committee on Health,
24 Education, Labor, and Pensions of the Senate”;
25 and

26 (B) in paragraph (5)—

1 (i) by striking “the Act of March 3,
2 1931 (40 U.S.C. 276a–276a–5) commonly
3 referred to as the Davis-Bacon Act” and
4 inserting “subchapter IV of chapter 31 of
5 title 40, United States Code, commonly re-
6 ferred to as the Davis-Bacon Act”; and

7 (ii) by striking “section 2 of the Act
8 of June 13, 1934 (40 U.S.C. 276c)” and
9 inserting “section 3145 of title 40, United
10 States Code”.

11 **SEC. 904. AUDIT.**

12 Section 203 of the Education of the Deaf Act of 1986
13 (20 U.S.C. 4353) is amended—

14 (1) in subsection (b)—

15 (A) in paragraph (2), by striking “sec-
16 tions” and all that follows through the period
17 and inserting “sections 102(b), 105(b)(4),
18 112(b)(5), 203(c), 207(b)(2), subsections (c)
19 through (f) of section 207, and subsections (b)
20 and (c) of section 209.”; and

21 (B) in paragraph (3), by inserting “and
22 the Committee on Education and Labor of the
23 House of Representatives and the Committee
24 on Health, Education, Labor, and Pensions of
25 the Senate” after “Secretary”; and

1 (2) in subsection (c)(2)(A), by striking “Com-
2 mittee on Labor and Human Resources of the Sen-
3 ate” and inserting “Committee on Health, Edu-
4 cation, Labor, and Pensions of the Senate”.

5 **SEC. 905. REPORTS.**

6 Section 204 of the Education of the Deaf Act of 1986
7 (20 U.S.C. 4354) is amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “Committee on Labor and Human Re-
10 sources of the Senate” and inserting “Committee on
11 Health, Education, Labor, and Pensions of the Sen-
12 ate”;

13 (2) in paragraph (1), by striking “pre-
14 paratory,”;

15 (3) in paragraph (2)(C), by striking “upon
16 graduation/completion” and inserting “on the date
17 that is 1 year after the date of graduation or com-
18 pletion”; and

19 (4) in paragraph (3)(B), by striking “of the in-
20 stitution of higher education” and all that follows
21 through the period and inserting “of NTID pro-
22 grams and activities.”.

23 **SEC. 906. MONITORING, EVALUATION, AND REPORTING.**

24 Section 205 of the Education of the Deaf Act of 1986
25 (20 U.S.C. 4355) is amended—

1 (1) in the first sentence of subsection (a), by
2 striking “preparatory,”;

3 (2) in subsection (b), by striking “The Sec-
4 retary, as part of the annual report required under
5 section 426 of the Department of Education Organi-
6 zation Act, shall include a description of” and in-
7 serting “The Secretary shall annually transmit infor-
8 mation to Congress on”; and

9 (3) in subsection (c), by striking “fiscal years
10 1998 through 2003” and inserting “fiscal years
11 2008 through 2013”.

12 **SEC. 907. LIAISON FOR EDUCATIONAL PROGRAMS.**

13 Section 206(a) of the Education of the Deaf Act of
14 1986 (20 U.S.C. 4356(a)) is amended by striking “Not
15 later than 30 days after the date of enactment of this Act,
16 the” and inserting “The”.

17 **SEC. 908. FEDERAL ENDOWMENT PROGRAMS FOR GAL-**
18 **LAUDET UNIVERSITY AND THE NATIONAL**
19 **TECHNICAL INSTITUTE FOR THE DEAF.**

20 Section 207(h) of the Education of the Deaf Act of
21 1986 (20 U.S.C. 4357(h)) is amended by striking “fiscal
22 years 1998 through 2003” each place it appears and in-
23 serting “fiscal years 2008 through 2013”.

1 **SEC. 909. OVERSIGHT AND EFFECT OF AGREEMENTS.**

2 Section 208(a) of the Education of the Deaf Act of
3 1986 (20 U.S.C. 4359(a)) is amended by striking “Com-
4 mittee on Labor and Human Resources of the Senate and
5 the Committee on Education and the Workforce of the
6 House of Representatives” and inserting “Committee on
7 Education and Labor of the House of Representatives and
8 the Committee on Health, Education, Labor, and Pen-
9 sions of the Senate”.

10 **SEC. 910. INTERNATIONAL STUDENTS.**

11 Section 209 of the Education of the Deaf Act of 1986
12 (20 U.S.C. 4359a) is amended—

13 (1) in subsection (a)—

14 (A) by striking “preparatory, under-
15 graduate,” and inserting “undergraduate”;

16 (B) by striking “Effective with” and in-
17 serting the following:

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), effective with”; and

20 (C) by adding at the end the following:

21 “(2) DISTANCE LEARNING.—International stu-
22 dents who participate in distance learning courses
23 that are at NTID or the University and who are re-
24 siding outside of the United States shall—

25 “(A) not be counted as international stu-
26 dents for purposes of the cap on international

1 students under paragraph (1), except that in
2 any school year no United States citizen who
3 applies to participate in distance learning
4 courses that are at the University or NTID
5 shall be denied participation in such courses be-
6 cause of the participation of an international
7 student in such courses; and

8 “(B) not be charged a tuition surcharge,
9 as described in subsection (b).”; and

10 (2) by striking subsections (b), (c), and (d), and
11 inserting the following:

12 “(b) TUITION SURCHARGE.—Except as provided in
13 subsections (a)(2)(B) and (c), the tuition for postsec-
14 ondary international students enrolled in the University
15 (including undergraduate and graduate students) or
16 NTID shall include, for academic year 2008–2009 and
17 any succeeding academic year, a surcharge of—

18 “(1) 100 percent for a postsecondary inter-
19 national student from a non-developing country; and

20 “(2) 50 percent for a postsecondary inter-
21 national student from a developing country.

22 “(c) REDUCTION OF SURCHARGE.—

23 “(1) IN GENERAL.—Beginning with the aca-
24 demic year 2008–2009, the University or NTID may
25 reduce the surcharge—

1 “(A) under subsection (b)(1) from 100
2 percent to not less than 50 percent if—

3 “(i) a student described under sub-
4 section (b)(1) demonstrates need; and

5 “(ii) such student has made a good-
6 faith effort to secure aid through such stu-
7 dent’s government or other sources; and

8 “(B) under subsection (b)(2) from 50 per-
9 cent to not less than 25 percent if—

10 “(i) a student described under sub-
11 section (b)(2) demonstrates need; and

12 “(ii) such student has made a good
13 faith effort to secure aid through such stu-
14 dent’s government or other sources.

15 “(2) DEVELOPMENT OF SLIDING SCALE.—The
16 University and NTID shall develop a sliding scale
17 model that—

18 “(A) will be used to determine the amount
19 of a tuition surcharge reduction pursuant to
20 paragraph (1); and

21 “(B) shall be approved by the Secretary.

22 “(d) DEFINITION.—In this section, the term ‘devel-
23 oping country’ means a country with a per-capita income
24 of not more than \$4,825, measured in 1999 United States

1 dollars, as adjusted by the Secretary to reflect inflation
2 since 1999.”.

3 **SEC. 911. RESEARCH PRIORITIES.**

4 Section 210(b) of the Education of the Deaf Act of
5 1986 (20 U.S.C. 4359b(b)) is amended by striking “Com-
6 mittee on Education and the Workforce of the House of
7 Representatives, and the Committee on Labor and Human
8 Resources of the Senate” and inserting “Committee on
9 Education and Labor of the House of Representatives,
10 and the Committee on Health, Education, Labor, and
11 Pensions of the Senate”.

12 **SEC. 912. NATIONAL STUDY ON THE EDUCATION OF THE**
13 **DEAF.**

14 (a) CONDUCT OF STUDY.—Subsection (a)(1) of sec-
15 tion 211 of the Education of the Deaf Act of 1986 (20
16 U.S.C. 4360) is amended by inserting after “The Sec-
17 retary shall” the following: “establish a commission on the
18 education of the deaf (in this section referred to as the
19 ‘commission’) to”.

20 (b) PUBLIC INPUT AND CONSULTATION.—Subsection
21 (b) of such section is amended by striking “Secretary”
22 each place it appears and inserting “commission”.

23 (c) REPORT.—Subsection (c) of such section is
24 amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “Secretary” and all that follows through
3 “1998” and inserting “commission shall report to
4 the Secretary and Congress not later than 18
5 months after the date of the enactment of the Col-
6 lege Opportunity and Affordability Act of 2007”;
7 and

8 (2) in paragraph (1)—

9 (A) by striking “recommendations,” and
10 inserting “recommendations relating to edu-
11 cated-related factors that contribute to success-
12 ful postsecondary education experiences and
13 employment for individuals who are deaf,”; and

14 (B) by striking “Secretary” and inserting
15 “commission”.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—Sub-
17 section (d) of such section is amended by striking
18 “\$1,000,000 for each of the fiscal years 1999 and 2000”
19 and inserting “such sums as may be necessary for each
20 of the fiscal years 2008 and 2009”.

21 **SEC. 913. AUTHORIZATION OF APPROPRIATIONS.**

22 Section 212 of the Education of the Deaf Act of 1986
23 (20 U.S.C. 4360a) is amended—

24 (1) in subsection (a), in the matter preceding
25 paragraph (1), by striking “fiscal years 1998

1 through 2003” and inserting “fiscal years 2008
2 through 2013”; and

3 (2) in subsection (b), by striking “fiscal years
4 1998 through 2003” and inserting “fiscal years
5 2008 through 2013”.

6 **PART B—INDIAN EDUCATION**

7 **Subpart 1—Tribal Colleges and Universities**

8 **SEC. 921. REAUTHORIZATION OF THE TRIBALLY CON-** 9 **TROLLED COLLEGE OR UNIVERSITY ASSIST-** 10 **ANCE ACT OF 1978.**

11 (a) CLARIFICATION OF THE DEFINITION OF NA-
12 TIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the
13 Tribally Controlled College or University Assistance Act
14 of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking
15 “in the field of Indian education” and inserting “in the
16 fields of tribally controlled colleges and universities and
17 Indian higher education”.

18 (b) INDIAN STUDENT COUNT.—Section 2(a) of the
19 Tribally Controlled College or University Assistance Act
20 of 1978 (25 U.S.C. 1801(a)) is amended—

21 (1) by redesignating paragraphs (7) and (8) as
22 paragraphs (8) and (9), respectively; and

23 (2) by inserting after paragraph (6) the fol-
24 lowing:

25 “(7) ‘Indian student’ means a student who is—

1 “(A) a member of an Indian tribe; or

2 “(B) a biological child of a member of an
3 Indian tribe, living or deceased;”.

4 (c) CONTINUING EDUCATION.—Section 2(b) of the
5 Tribally Controlled College or University Assistance Act
6 of 1978 (25 U.S.C. 1801(b)) is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “paragraph (7) of subsection (a)” and in-
9 serting “subsection (a)(8)”;

10 (2) by striking paragraph (5) and inserting the
11 following:

12 “(5) DETERMINATION OF CREDITS.—Eligible
13 credits earned in a continuing education program—

14 “(A) shall be determined as 1 credit for
15 every 10 contact hours in the case of an institu-
16 tion on a quarter system, or 15 contact hours
17 in the case of an institution on a semester sys-
18 tem, of participation in an organized continuing
19 education experience under responsible sponsor-
20 ship, capable direction, and qualified instruc-
21 tion, as described in the criteria established by
22 the International Association for Continuing
23 Education and Training; and

1 “(B) shall be limited to 10 percent of the
2 Indian student count of a tribally controlled col-
3 lege or university.”; and

4 (3) by striking paragraph (6).

5 (d) ACCREDITATION REQUIREMENT.—Section 103 of
6 the Tribally Controlled College or University Assistance
7 Act of 1978 (25 U.S.C. 1804) is amended—

8 (1) in paragraph (2), by striking “and” at the
9 end;

10 (2) in paragraph (3), by striking the period at
11 the end and inserting “; and”; and

12 (3) by inserting after paragraph (3), the fol-
13 lowing:

14 “(4)(A) is accredited by a nationally recognized
15 accrediting agency or association determined by the
16 Secretary of Education to be a reliable authority
17 with regard to the quality of training offered; or

18 “(B) according to such an agency or associa-
19 tion, is making reasonable progress toward accredi-
20 tation.”.

21 (e) TECHNICAL ASSISTANCE CONTRACTS.—Section
22 105 of the Tribally Controlled College or University As-
23 sistance Act of 1978 (25 U.S.C. 1805) is amended—

1 (1) by striking the section designation and
2 heading and all that follows through “The Secretary
3 shall” and inserting the following:

4 **“SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.**

5 “(a) TECHNICAL ASSISTANCE.—

6 “(1) IN GENERAL.—The Secretary shall”;

7 (2) in the second sentence, by striking “In the
8 awarding of contracts for technical assistance, pref-
9 erence shall be given” and inserting the following:

10 “(2) DESIGNATED ORGANIZATION.—The Sec-
11 retary shall require that a contract for technical as-
12 sistance under paragraph (1) shall be awarded”; and

13 (3) in the third sentence, by striking “No au-
14 thority” and inserting the following:

15 “(b) EFFECT OF SECTION.—No authority”.

16 (f) AMOUNT OF GRANTS.—Section 108(a) of the
17 Tribally Controlled College or University Assistance Act
18 of 1978 (25 U.S.C. 1808(a)) is amended—

19 (1) by redesignating paragraphs (1) and (2) as
20 subparagraphs (A) and (B), respectively, and indent-
21 ing the subparagraphs appropriately;

22 (2) by striking “(a) Except as provided in sec-
23 tion 111,” and inserting the following:

24 “(a) REQUIREMENT.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2) and section 111,”;

3 (3) in paragraph (1) (as redesignated by para-
4 graphs (1) and (2))—

5 (A) in the matter preceding subparagraph

6 (A) (as redesignated by paragraph (1))—

7 (i) by striking “him” and inserting

8 “the Secretary”; and

9 (ii) by striking “product of” and in-
10 serting “product obtained by multiplying”;

11 (B) in subparagraph (A) (as redesignated
12 by paragraph (1)), by striking “section 2(a)(7)”
13 and inserting “section 2(a)(8)”; and

14 (C) in subparagraph (B) (as redesignated
15 by paragraph (1)), by striking “\$6,000,” and
16 inserting “\$8,000, as adjusted annually for in-
17 flation.”; and

18 (4) by striking “except that no grant shall ex-
19 ceed the total cost of the education program pro-
20 vided by such college or university.” and inserting
21 the following:

22 “(2) EXCEPTION.—The amount of a grant
23 under paragraph (1) shall not exceed an amount
24 equal to the total cost of the education program pro-

1 vided by the applicable tribally controlled college or
2 university.”.

3 (g) GENERAL PROVISIONS REAUTHORIZATION.—Sec-
4 tion 110(a) of the Tribally Controlled College or Univer-
5 sity Assistance Act of 1978 (25 U.S.C. 1810(a)) is amend-
6 ed—

7 (1) in paragraphs (1), (2), (3), and (4), by
8 striking “1999” and inserting “2008”;

9 (2) in paragraphs (1), (2), and (3), by striking
10 “4 succeeding” and inserting “5 succeeding”;

11 (3) in paragraph (2), by striking
12 “\$40,000,000” and inserting “such sums as may be
13 necessary”;

14 (4) in paragraph (3), by striking
15 “\$10,000,000” and inserting “such sums as may be
16 necessary”; and

17 (5) in paragraph (4), by striking “succeeding
18 4” and inserting “5 succeeding”.

19 (h) ENDOWMENT PROGRAM REAUTHORIZATION.—
20 Section 306(a) of the Tribally Controlled College or Uni-
21 versity Assistance Act of 1978 (25 U.S.C. 1836(a)) is
22 amended—

23 (1) by striking “1999” and inserting “2008”;
24 and

1 (2) by striking “4 succeeding” and inserting “5
2 succeeding”.

3 (i) TRIBAL ECONOMIC DEVELOPMENT REAUTHOR-
4 IZATION.—Section 403 of the Tribal Economic Develop-
5 ment and Technology Related Education Assistance Act
6 of 1990 (25 U.S.C. 1852) is amended—

7 (1) by striking “\$2,000,000 for fiscal year
8 1999” and inserting “such sums as may be nec-
9 essary for fiscal year 2008”; and

10 (2) by striking “4 succeeding” and inserting “5
11 succeeding”.

12 (j) TRIBALLY CONTROLLED POSTSECONDARY CA-
13 REER AND TECHNICAL INSTITUTIONS.—

14 (1) IN GENERAL.—The Tribally Controlled Col-
15 lege or University Assistance Act of 1978 (25 U.S.C.
16 1801 et seq.) is amended by adding at the end the
17 following:

1 **“TITLE V—TRIBALLY CON-**
2 **TROLLED POSTSECONDARY**
3 **CAREER AND TECHNICAL IN-**
4 **STITUTIONS**

5 **“SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POST-**
6 **SECONDARY CAREER AND TECHNICAL INSTI-**
7 **TUTION.**

8 “In this title, the term ‘tribally controlled postsec-
9 ondary career and technical institution’ has the meaning
10 given the term in section 3 of the Carl D. Perkins Career
11 and Technical Education Act of 2006 (20 U.S.C. 2302).

12 **“SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CA-**
13 **REER AND TECHNICAL INSTITUTIONS PRO-**
14 **GRAM.**

15 “(a) IN GENERAL.—Subject to the availability of ap-
16 propriations, for fiscal year 2008 and each fiscal year
17 thereafter, the Secretary shall—

18 “(1) subject to subsection (b), select 2 tribally
19 controlled postsecondary career and technical insti-
20 tutions to receive assistance under this title; and

21 “(2) provide funding to the selected tribally
22 controlled postsecondary career and technical insti-
23 tutions to pay the costs (including institutional sup-
24 port costs) of operating postsecondary career and
25 technical education programs for Indian students at

1 the tribally controlled postsecondary career and tech-
2 nical institutions.

3 “(b) SELECTION OF CERTAIN INSTITUTIONS.—

4 “(1) REQUIREMENT.—For each fiscal year dur-
5 ing which the Secretary determines that a tribally
6 controlled postsecondary career and technical insti-
7 tution described in paragraph (2) meets the defini-
8 tion referred to in section 501, the Secretary shall
9 select that tribally controlled postsecondary career
10 and technical institution under subsection (a)(1) to
11 receive funding under this section.

12 “(2) INSTITUTIONS.—The 2 tribally controlled
13 postsecondary career and technical institutions re-
14 ferred to in paragraph (1) are—

15 “(A) the United Tribes Technical College;

16 and

17 “(B) the Navajo Technical College.

18 “(c) METHOD OF PAYMENT.—For each applicable
19 fiscal year, the Secretary shall provide funding under this
20 section to each tribally controlled postsecondary career
21 and technical institution selected for the fiscal year under
22 subsection (a)(1) in a lump sum payment for the fiscal
23 year.

24 “(d) DISTRIBUTION.—

1 “(1) IN GENERAL.—For fiscal year 2009 and
2 each fiscal year thereafter, of amounts made avail-
3 able pursuant to section 504, the Secretary shall dis-
4 tribute to each tribally controlled postsecondary ca-
5 reer and technical institution selected for the fiscal
6 year under subsection (a)(1) an amount equal to the
7 greater of—

8 “(A) the total amount appropriated for the
9 tribally controlled postsecondary career and
10 technical institution for fiscal year 2006; or

11 “(B) the total amount appropriated for the
12 tribally controlled postsecondary career and
13 technical institution for fiscal year 2008.

14 “(2) EXCESS AMOUNTS.—If, for any fiscal year,
15 the amount made available pursuant to section 504
16 exceeds the sum of the amounts required to be dis-
17 tributed under paragraph (1) to the tribally con-
18 trolled postsecondary career and technical institu-
19 tions selected for the fiscal year under subsection
20 (a)(1), the Secretary shall distribute to each tribally
21 controlled postsecondary career and technical insti-
22 tution selected for that fiscal year a portion of the
23 excess amount, to be determined by—

24 “(A) dividing the excess amount by the ag-
25 gregate Indian student count (as defined in sec-

1 tion 117(h) of the Carl D. Perkins Career and
2 Technical Education Act of 2006 (20 U.S.C.
3 2327(h)) of such institutions for the prior aca-
4 demic year; and

5 “(B) multiplying the quotient described in
6 subparagraph (A) by the Indian student count
7 of each such institution for the prior academic
8 year.

9 **“SEC. 503. APPLICABILITY OF OTHER LAWS.**

10 “(a) IN GENERAL.—Paragraphs (4) and (7) of sub-
11 section (a), and subsection (b), of section 2, sections 105,
12 108, 111, 112 and 113, and titles II, III, and IV shall
13 not apply to this title.

14 “(b) INDIAN SELF-DETERMINATION AND EDU-
15 CATION ASSISTANCE.—Funds made available pursuant to
16 this title shall be subject to the Indian Self-Determination
17 and Education Assistance Act (25 U.S.C. 450 et seq.).

18 “(c) ELECTION TO RECEIVE.—A tribally controlled
19 postsecondary career and technical institution selected for
20 a fiscal year under section 502(b) may elect to receive
21 funds pursuant to section 502 in accordance with an
22 agreement between the tribally controlled postsecondary
23 career and technical institution and the Secretary under
24 the Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 450 et seq.) if the agreement is in exist-

1 ence on the date of enactment of the College Opportunity
2 and Affordability 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
6 technical institutions to receive Federal financial assist-
7 ance 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
11 Career 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 institu-
17 tions.

18 **“SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

19 “There are authorized to be appropriated such sums
20 as are necessary for fiscal year 2008 and each fiscal year
21 thereafter to carry out this title.”

22 (2) CONFORMING AMENDMENTS.—Section 117
23 of the Carl D. Perkins Career and Technical Edu-
24 cation Act of 2006 (20 U.S.C. 2327) is amended—

1 (A) by striking subsection (a) and insert-
2 ing the following:

3 “(a) GRANT PROGRAM.—Subject to the availability of
4 appropriations, the Secretary shall make grants under this
5 section, to provide basic support for the education and
6 training of Indian students, to tribally controlled postsec-
7 ondary career and technical institutions that are not re-
8 ceiving Federal assistance as of the date on which the
9 grant is provided under—

10 “(1) title I of the Tribally Controlled College or
11 University Assistance Act of 1978 (25 U.S.C. 1802
12 et seq.); or

13 “(2) the Navajo Community College Act (25
14 U.S.C. 640a et seq.)”; and

15 (B) by striking subsection (d) and insert-
16 ing the following:

17 “(d) APPLICATIONS.—To be eligible to receive a
18 grant under this section, a tribally controlled postsec-
19 ondary career and technical institution that is not receiv-
20 ing Federal assistance under title I of the Tribally Con-
21 trolled College or University Assistance Act (25 U.S.C.
22 1802 et seq.) or the Navajo Community College Act (25
23 U.S.C. 640a et seq.) shall submit to the Secretary an ap-
24 plication at such time, in such manner, and containing
25 such information as the Secretary may require.”.

1 (k) SHORT TITLE.—

2 (1) IN GENERAL.—The first section of the Trib-
3 ally Controlled College or University Assistance Act
4 of 1978 (25 U.S.C. 1801 note; Public Law 95–471)
5 is amended to read as follows:

6 **“SEC. 1. SHORT TITLE.**

7 “This Act may be cited as the ‘Tribally Controlled
8 Colleges and Universities Assistance Act of 1978’.”.

9 (2) REFERENCES.—Any reference in law (in-
10 cluding regulations) to the Tribally Controlled Col-
11 lege or University Assistance Act of 1978 shall be
12 considered to be a reference to the “Tribally Con-
13 trolled Colleges and Universities Assistance Act of
14 1978”.

15 **Subpart 2—Navajo Higher Education**

16 **SEC. 931. REAUTHORIZATION OF NAVAJO COMMUNITY COL-**
17 **LEGE ACT.**

18 (a) PURPOSE.—Section 2 of the Navajo Community
19 College Act (25 U.S.C. 640a) is amended—

20 (1) by striking “Navajo Tribe of Indians” and
21 inserting “Navajo Nation”; and

22 (2) by striking “the Navajo Community Col-
23 lege” and inserting “Diné College”.

24 (b) GRANTS.—Section 3 of the Navajo Community
25 College Act (25 U.S.C. 640b) is amended—

1 (1) in the first sentence—

2 (A) by inserting “the” before “Interior”;

3 (B) by striking “Navajo Tribe of Indians”

4 and inserting “Navajo Nation”; and

5 (C) by striking “the Navajo Community

6 College” and inserting “Diné College”; and

7 (2) in the second sentence—

8 (A) by striking “Navajo Tribe” and insert-

9 ing “Navajo Nation”; and

10 (B) by striking “Navajo Indians” and in-

11 serting “Navajo people”.

12 (c) STUDY OF FACILITIES NEEDS.—Section 4 of the

13 Navajo Community College Act (25 U.S.C. 640c) is

14 amended—

15 (1) in subsection (a)—

16 (A) in the first sentence—

17 (i) by striking “the Navajo Commu-

18 nity College” and inserting “Dine College”;

19 and

20 (ii) by striking “August 1, 1979” and

21 inserting “October 31, 2010”; and

22 (B) in the second sentence, by striking

23 “Navajo Tribe” and inserting “Navajo Nation”;

24 (2) in subsection (b), by striking “the date of

25 enactment of the Tribally Controlled Community

1 College Assistance Act of 1978” and inserting “Oc-
2 tober 1, 2007”; and

3 (3) in subsection (c), in the first sentence, by
4 striking “the Navajo Community College” and in-
5 serting “Diné College”.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
7 5 of the Navajo Community College Act (25 U.S.C. 640c-
8 1) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1), by striking
11 “\$2,000,000” and all that follows through the
12 end of the paragraph and inserting “such sums
13 as are necessary for fiscal years 2008 through
14 2013.”; and

15 (B) by adding at the end the following:

16 “(3) Sums described in paragraph (2) shall be used
17 to provide grants for construction activities, including the
18 construction of buildings, water and sewer facilities, roads,
19 information technology and telecommunications infra-
20 structure, classrooms, and external structures (such as
21 walkways).”;

22 (2) in subsection (b)(1)—

23 (A) in the matter preceding subparagraph

24 (A)—

1 (i) by striking “the Navajo Commu-
2 nity College” and inserting “Diné College”;
3 and

4 (ii) by striking “, for each fiscal year”
5 and all that follows through “for—” and
6 inserting “such sums as are necessary for
7 fiscal years 2008 through 2013 to pay the
8 cost of—”;

9 (B) in subparagraph (A)—

10 (i) by striking “college” and inserting
11 “College”;

12 (ii) in clauses (i) and (iii), by striking
13 the commas at the ends of the clauses and
14 inserting semicolons; and

15 (iii) in clause (ii), by striking “, and”
16 at the end and inserting “; and”;

17 (C) in subparagraph (B), by striking the
18 comma at the end and inserting a semicolon;

19 (D) in subparagraph (C), by striking “,
20 and” at the end and inserting a semicolon;

21 (E) in subparagraph (D), by striking the
22 period at the end and inserting “; and”; and

23 (F) by adding at the end the following:

1 “(E) improving and expanding the College,
2 including by providing, for the Navajo people
3 and others in the community of the College—

4 “(i) higher education programs;

5 “(ii) career and technical education;

6 “(iii) activities relating to the preser-
7 vation and protection of the Navajo lan-
8 guage, philosophy, and culture;

9 “(iv) employment and training oppor-
10 tunities;

11 “(v) economic development and com-
12 munity outreach; and

13 “(vi) a safe learning, working, and liv-
14 ing environment.”; and

15 (3) in subsection (c), by striking “the Navajo
16 Community College” and inserting “Diné College”.

17 (e) EFFECT ON OTHER LAWS.—Section 6 of the
18 Navajo Community College Act (25 U.S.C. 640c–2) is
19 amended—

20 (1) by striking “the Navajo Community Col-
21 lege” each place it appears and inserting “Diné Col-
22 lege”; and

23 (2) in subsection (b), by striking “college” and
24 inserting “College”.

1 (f) PAYMENTS; INTEREST.—Section 7 of the Navajo
2 Community College Act (25 U.S.C. 640c–3) is amended
3 by striking “the Navajo Community College” each place
4 it appears and inserting “Diné College”.”.

5 **PART C—HIGHER EDUCATION AMENDMENTS OF**
6 **1998; HIGHER EDUCATION AMENDMENTS OF 1992**
7 **SEC. 941. GRANTS TO STATES FOR WORKPLACE AND COM-**
8 **MUNITY TRANSITION TRAINING FOR INCAR-**
9 **CERATED YOUTH OFFENDERS.**

10 Section 821 of the Higher Education Amendments of
11 1998 (20 U.S.C. 1151) is amended to read as follows:

12 **“SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE**
13 **AND COMMUNITY TRANSITION TRAINING FOR**
14 **INCARCERATED YOUTH OFFENDERS.**

15 “(a) DEFINITION.—In this section, the term ‘youth
16 offender’ means a male or female offender under the age
17 of 35, who is incarcerated in a State prison, including a
18 prerelease facility.

19 “(b) GRANT PROGRAM.—The Secretary of Education
20 (in this section referred to as the ‘Secretary’)—

21 “(1) shall establish a program in accordance
22 with this section to provide grants to the State cor-
23 rectional education agencies in the States, from allo-
24 cations for the States under subsection (h), to assist

1 and encourage youth offenders to acquire functional
2 literacy, life, and job skills, through—

3 “(A) the pursuit of a postsecondary edu-
4 cation certificate, or an associate or bachelor’s
5 degree while in prison; and

6 “(B) employment counseling and other re-
7 lated services which start during incarceration
8 and end not later than 1 year after release from
9 confinement; and

10 “(2) may establish such performance objectives
11 and reporting requirements for State correctional
12 education agencies receiving grants under this sec-
13 tion as the Secretary determines are necessary to as-
14 sess the effectiveness of the program under this sec-
15 tion.

16 “(c) APPLICATION.—To be eligible for a grant under
17 this section, a State correctional education agency shall
18 submit to the Secretary a proposal for a youth offender
19 program that—

20 “(1) identifies the scope of the problem, includ-
21 ing the number of youth offenders in need of post-
22 secondary education and vocational training;

23 “(2) lists the accredited public or private edu-
24 cational institution or institutions that will provide
25 postsecondary educational services;

1 “(3) lists the cooperating agencies, public and
2 private, or businesses that will provide related serv-
3 ices, such as counseling in the areas of career devel-
4 opment, substance abuse, health, and parenting
5 skills;

6 “(4) describes specific performance objectives
7 and evaluation methods (in addition to, and con-
8 sistent with, any objectives established by the Sec-
9 retary under subsection (b)(2)) that the State cor-
10 rectional education agency will use in carrying out
11 its proposal, including—

12 “(A) specific and quantified student out-
13 come measures that are referenced to outcomes
14 for non-program participants with similar de-
15 mographic characteristics; and

16 “(B) measures, consistent with the data
17 elements and definitions described in subsection
18 (d)(1)(A), of—

19 “(i) program completion, including an
20 explicit definition of what constitutes a
21 program completion within the proposal;

22 “(ii) knowledge and skill attainment,
23 including specification of instruments that
24 will measure knowledge and skill attain-
25 ment;

1 “(iii) attainment of employment both
2 prior to and subsequent to release;

3 “(iv) success in employment indicated
4 by job retention and advancement; and

5 “(v) recidivism, including such sub-
6 indicators as time before subsequent of-
7 fense and severity of offense;

8 “(5) describes how the proposed programs are
9 to be integrated with existing State correctional edu-
10 cation programs (such as adult education, graduate
11 education degree programs, and vocational training)
12 and State industry programs;

13 “(6) describes how the proposed programs will
14 have considered or will utilize technology to deliver
15 the services under this section; and

16 “(7) describes how students will be selected so
17 that only youth offenders eligible under subsection
18 (e) will be enrolled in postsecondary programs.

19 “(d) PROGRAM REQUIREMENTS.—Each State correc-
20 tional education agency receiving a grant under this sec-
21 tion shall—

22 “(1) annually report to the Secretary regard-
23 ing—

24 “(A) the results of the evaluations con-
25 ducted using data elements and definitions pro-

1 vided by the Secretary for the use of State cor-
2 rectional education programs;

3 “(B) any objectives or requirements estab-
4 lished by the Secretary pursuant to subsection
5 (b)(2); and

6 “(C) the additional performance objectives
7 and evaluation methods contained in the pro-
8 posal described in subsection (c)(4) as nec-
9 essary to document the attainment of project
10 performance objectives; and

11 “(2) provide to each State for each student eli-
12 gible under subsection (e) not more than—

13 “(A) \$3,000 annually for tuition, books,
14 and essential materials; and

15 “(B) \$300 annually for related services
16 such as career development, substance abuse
17 counseling, parenting skills training, and health
18 education.

19 “(e) STUDENT ELIGIBILITY.—A youth offender shall
20 be eligible for participation in a program receiving a grant
21 under this section if the youth offender—

22 “(1) is eligible to be released within 5 years (in-
23 cluding a youth offender who is eligible for parole
24 within such time);

25 “(2) is 35 years of age or younger; and

1 “(3) has not been convicted of—

2 “(A) a ‘criminal offense against a victim
3 who is a minor’ or a ‘sexually violent offense’,
4 as such terms are defined in the Jacob
5 Wetterling Crimes Against Children and Sexu-
6 ally Violent Offender Registration Act (42
7 U.S.C. 14071 et seq.); or

8 “(B) murder, as described in section 1111
9 of title 18, United States Code.

10 “(f) LENGTH OF PARTICIPATION.—A State correc-
11 tional education agency receiving a grant under this sec-
12 tion shall provide educational and related services to each
13 participating youth offender for a period not to exceed 5
14 years, 1 year of which may be devoted to study in a grad-
15 uate education degree program or to remedial education
16 services for students who have obtained a secondary school
17 diploma or its recognized equivalent. Educational and re-
18 lated services shall start during the period of incarceration
19 in prison or prerelease, and the related services may con-
20 tinue for not more than 1 year after release from confine-
21 ment.

22 “(g) EDUCATION DELIVERY SYSTEMS.—State cor-
23 rectional education agencies and cooperating institutions
24 shall, to the extent practicable, use high-tech applications

1 in developing programs to meet the requirements and
2 goals of this section.

3 “(h) ALLOCATION OF FUNDS.—From the funds ap-
4 propriated pursuant to subsection (i) for each fiscal year,
5 the Secretary shall allot to each State an amount that
6 bears the same relationship to such funds as the total
7 number of students eligible under subsection (e) in such
8 State bears to the total number of such students in all
9 States.

10 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 such sums as may be necessary for fiscal years 2008
13 through 2013.”.

14 **SEC. 942. UNDERGROUND RAILROAD.**

15 (a) .—Section 841(c) of the Higher Education
16 Amendments of 1998 (20 U.S.C. 1153(c)) is amended by
17 striking “this section” and all that follows through the pe-
18 riod at the end and inserting “this section \$3,000,000 for
19 fiscal years 2009 and the 4 succeeding fiscal years.”.

20 **SEC. 943. REPEALS OF EXPIRED AND EXECUTED PROVI-**
21 **SIONS.**

22 The following provisions of the Higher Education
23 Amendments of 1998 are repealed:

1 (1) STUDY OF MARKET MECHANISMS IN FED-
2 ERAL STUDENT LOAN PROGRAMS.—Section 801 (20
3 U.S.C. 1018 note).

4 (2) STUDY OF FEASIBILITY OF ALTERNATE FI-
5 NANCIAL INSTRUMENTS FOR DETERMINING LENDER
6 YIELDS.—Section 802.

7 (3) STUDENT RELATED DEBT STUDY.—Section
8 803 (20 U.S.C. 1015 note).

9 (4) COMMUNITY SCHOLARSHIP MOBILIZA-
10 TION.—Part C of title VIII (20 U.S.C. 1070 note).

11 (5) IMPROVING UNITED STATES UNDER-
12 STANDING OF SCIENCE, ENGINEERING, AND TECH-
13 NOLOGY IN EAST ASIA.—Part F of title VIII (42
14 U.S.C. 1862 note).

15 (6) WEB-BASED EDUCATION COMMISSION.—
16 Part J of title VIII.

17 **SEC. 944. OLYMPIC SCHOLARSHIPS.**

18 Section 1543(d) of the Higher Education Amend-
19 ments of 1992 (20 U.S.C. 1070 note) is amended by strik-
20 ing “1999” and inserting “2009”.

1 **PART D—JUSTICE DEPARTMENT PROGRAMS**

2 **SEC. 951. LOAN REPAYMENT FOR PROSECUTORS AND DE-**
3 **FENDERS.**

4 Title I of the Omnibus Crime Control and Safe
5 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
6 by adding at the end the following:

7 **“PART JJ—LOAN REPAYMENT FOR**
8 **PROSECUTORS AND PUBLIC DEFENDERS**

9 **“SEC. 3111. GRANT AUTHORIZATION.**

10 “(a) PURPOSE.—The purpose of this section is to en-
11 courage qualified individuals to enter and continue em-
12 ployment as prosecutors and public defenders.

13 “(b) DEFINITIONS.—In this section:

14 “(1) PROSECUTOR.—The term ‘prosecutor’
15 means a full-time employee of a State or local agen-
16 cy who—

17 “(A) is continually licensed to practice law;
18 and

19 “(B) prosecutes criminal or juvenile delin-
20 quency cases (or both) at the State or local
21 level, including an employee who supervises,
22 educates, or trains other persons prosecuting
23 such cases.

24 “(2) PUBLIC DEFENDER.—The term ‘public de-
25 fender’ means an attorney who—

1 “(A) is continually licensed to practice law;

2 and

3 “(B) is—

4 “(i) a full-time employee of a State or
5 local agency who provides legal representa-
6 tion to indigent persons in criminal or ju-
7 venile delinquency cases (or both), includ-
8 ing an attorney who supervises, educates,
9 or trains other persons providing such rep-
10 resentation;

11 “(ii) a full-time employee of a non-
12 profit organization operating under a con-
13 tract with a State or unit of local govern-
14 ment, who devotes substantially all of such
15 full-time employment to providing legal
16 representation to indigent persons in crimi-
17 nal or juvenile delinquency cases (or both),
18 including an attorney who supervises, edu-
19 cates, or trains other persons providing
20 such representation; or

21 “(iii) employed as a full-time Federal
22 defender attorney in a defender organiza-
23 tion established pursuant to subsection (g)
24 of section 3006A of title 18, United States
25 Code, that provides legal representation to

1 indigent persons in criminal or juvenile de-
2 linquency cases (or both).

3 “(3) STUDENT LOAN.—The term ‘student loan’
4 means—

5 “(A) a loan made, insured, or guaranteed
6 under part B of title IV of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1071 et seq.);

8 “(B) a loan made under part D or E of
9 title IV of the Higher Education Act of 1965
10 (20 U.S.C. 1087a et seq. and 1087aa et seq.);
11 and

12 “(C) a loan made under section 428C or
13 455(g) of the Higher Education Act of 1965
14 (20 U.S.C. 1078–3 and 1087e(g)) to the extent
15 that such loan was used to repay a Federal Di-
16 rect Stafford Loan, a Federal Direct Unsub-
17 sidized Stafford Loan, or a loan made under
18 section 428 or 428H of such Act.

19 “(c) PROGRAM AUTHORIZED.—The Attorney General
20 shall, subject to the availability of appropriations, estab-
21 lish a program by which the Department of Justice shall
22 assume the obligation to repay a student loan, by direct
23 payments on behalf of a borrower to the holder of such
24 loan, in accordance with subsection (d), for any borrower
25 who—

1 “(1) is employed as a prosecutor or public de-
2 fender; and

3 “(2) is not in default on a loan for which the
4 borrower seeks forgiveness.

5 “(d) TERMS OF LOAN REPAYMENT.—

6 “(1) BORROWER AGREEMENT.—To be eligible
7 to receive repayment benefits under subsection (c),
8 a borrower shall enter into a written agreement with
9 the Attorney General that specifies that—

10 “(A) the borrower will remain employed as
11 a prosecutor or public defender for a required
12 period of service of not less than 3 years, unless
13 involuntarily separated from that employment;

14 “(B) if the borrower is involuntarily sepa-
15 rated from employment on account of mis-
16 conduct, or voluntarily separates from employ-
17 ment, before the end of the period specified in
18 the agreement, the borrower will repay the At-
19 torney General the amount of any benefits re-
20 ceived by such employee under this section; and

21 “(C) if the borrower is required to repay
22 an amount to the Attorney General under sub-
23 paragraph (B) and fails to repay such amount,
24 a sum equal to that amount shall be recoverable
25 by the Federal Government from the employee

1 (or such employee's estate, if applicable) by
2 such methods as are provided by law for the re-
3 covery of amounts owed to the Federal Govern-
4 ment.

5 “(2) REPAYMENT BY BORROWER.—

6 “(A) IN GENERAL.—Any amount repaid
7 by, or recovered from, an individual or the es-
8 tate of an individual under this subsection shall
9 be credited to the appropriation account from
10 which the amount involved was originally paid.

11 “(B) MERGER.—Any amount credited
12 under subparagraph (A) shall be merged with
13 other sums in such account and shall be avail-
14 able for the same purposes and period, and sub-
15 ject to the same limitations, if any, as the sums
16 with which the amount was merged.

17 “(C) WAIVER.—The Attorney General may
18 waive, in whole or in part, a right of recovery
19 under this subsection if it is shown that recov-
20 ery would be against equity and good conscience
21 or against the public interest.

22 “(3) LIMITATIONS.—

23 “(A) STUDENT LOAN PAYMENT
24 AMOUNT.—Student loan repayments made by
25 the Attorney General under this section shall be

1 made subject to the availability of appropria-
2 tions, and subject to such terms, limitations, or
3 conditions as may be mutually agreed upon by
4 the borrower and the Attorney General in an
5 agreement under paragraph (1), except that the
6 amount paid by the Attorney General under
7 this section shall not exceed—

8 “(i) \$10,000 for any borrower in any
9 calendar year; or

10 “(ii) an aggregate total of \$60,000 in
11 the case of any borrower.

12 “(B) BEGINNING OF PAYMENTS.—Nothing
13 in this section shall authorize the Attorney Gen-
14 eral to pay any amount to reimburse a borrower
15 for any repayments made by such borrower
16 prior to the date on which the Attorney General
17 entered into an agreement with the borrower
18 under this subsection.

19 “(e) ADDITIONAL AGREEMENTS.—

20 “(1) IN GENERAL.—On completion of the re-
21 quired period of service under an agreement under
22 subsection (d), the borrower and the Attorney Gen-
23 eral may, subject to paragraph (2), enter into an ad-
24 ditional agreement in accordance with subsection
25 (d).

1 “(2) TERM.—An agreement entered into under
2 paragraph (1) may require the borrower to remain
3 employed as a prosecutor or public defender for less
4 than 3 years.

5 “(f) AWARD BASIS; PRIORITY.—

6 “(1) AWARD BASIS.—The Attorney General
7 shall provide repayment benefits under this sec-
8 tion—

9 “(A) subject to the availability of appro-
10 priations; and

11 “(B) in accordance with paragraph (2), ex-
12 cept that the Attorney General shall determine
13 a fair allocation of repayment benefits among
14 prosecutors and defenders, and among employ-
15 ing entities nationwide.

16 “(2) PRIORITY.—In providing repayment bene-
17 fits under this section in any fiscal year, the Attor-
18 ney General shall give priority to borrowers—

19 “(A) who, when compared to other eligible
20 borrowers, have the least ability to repay their
21 student loans (considering whether the borrower
22 is the beneficiary of any other student loan re-
23 payment program), as determined by the Attor-
24 ney General; or

25 “(B) who—

1 “(i) received repayment benefits under
2 this section during the preceding fiscal
3 year; and

4 “(ii) have completed less than 3 years
5 of the first required period of service speci-
6 fied for the borrower in an agreement en-
7 tered into under subsection (d).

8 “(g) REGULATIONS.—The Attorney General is au-
9 thorized to issue such regulations as may be necessary to
10 carry out the provisions of this section.

11 “(h) REPORT BY INSPECTOR GENERAL.—Not later
12 than 3 years after the date of the enactment of this sec-
13 tion, the Inspector General of the Department of Justice
14 shall submit to Congress a report on—

15 “(1) the cost of the program authorized under
16 this section; and

17 “(2) the impact of such program on the hiring
18 and retention of prosecutors and public defenders.

19 “(i) GAO STUDY.—Not later than one year after the
20 date of the enactment of this section, the Comptroller
21 General shall conduct a study of, and report to Congress
22 on, the impact that law school accreditation requirements
23 and other factors have on the costs of law school and stu-
24 dent access to law school, including the impact of such
25 requirements on racial and ethnic minorities.

1 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$25,000,000 for each of the fiscal years 2008 through
4 2013.”.

5 **SEC. 952. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.**

6 (a) IN GENERAL.—The Attorney General of the
7 United States is authorized to make grants, through the
8 Office of Community Oriented Policing Services, to estab-
9 lish and operate a National Center for Campus Public
10 Safety (referred to in this section as the “Center”). The
11 Center shall—

12 (1) provide quality education and training for
13 campus public safety agencies and the agencies’ col-
14 laborative partners, including campus mental health
15 agencies;

16 (2) foster quality research to strengthen the
17 safety and security of the institutions of higher edu-
18 cation in the United States;

19 (3) serve as a clearinghouse for the identifica-
20 tion and dissemination of information, policies, pro-
21 cedures, and best practices relevant to campus pub-
22 lic safety, including the prevention of violence
23 against persons and property and emergency re-
24 sponse and evacuation procedures;

1 (4) develop protocols, in conjunction with the
2 Attorney General, the Secretary of Homeland Secu-
3 rity, the Secretary of Education, State, local, and
4 tribal governments and law enforcement agencies,
5 private and nonprofit organizations and associations,
6 and other stakeholders, to prevent, protect against,
7 respond to, and recover from, natural and man-made
8 emergencies or dangerous situations involving an im-
9 mediate threat to the health or safety of the campus
10 community;

11 (5) promote the development and dissemination
12 of effective behavioral threat assessment and man-
13 agement models to prevent campus violence;

14 (6) coordinate campus safety information and
15 resources available from the Department of Justice,
16 the Department of Homeland Security, the Depart-
17 ment of Education, State, local, and tribal govern-
18 ments and law enforcement agencies, and private
19 and nonprofit organizations and associations;

20 (7) increase cooperation, collaboration, and con-
21 sistency in prevention, response, and problem-solving
22 methods among law enforcement, mental health, and
23 other agencies and jurisdictions serving institutions
24 of higher education in the United States;

1 (8) develop standardized formats and models
2 for mutual aid agreements and memoranda of un-
3 derstanding between campus security agencies and
4 other public safety organizations and mental health
5 agencies; and

6 (9) report annually to Congress and the Attor-
7 ney General on activities performed by the Center
8 during the previous 12 months.

9 (b) COORDINATION WITH AVAILABLE RESOURCES.—
10 In establishing the Center, the Attorney General shall—

11 (1) consult with the Secretary of Homeland Se-
12 curity, the Secretary of Education, and the Attor-
13 neys General of each State; and

14 (2) coordinate the establishment and operation
15 of the Center with campus public safety resources
16 that may already be available within the Department
17 of Homeland Security and the Department of Edu-
18 cation.

19 (c) DEFINITION OF INSTITUTION OF HIGHER EDU-
20 CATION.—In this section, the term “institution of higher
21 education” has the meaning given the term in section 101
22 of the Higher Education Act of 1965 (20 U.S.C. 1001).

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section

1 \$2,750,000 for each of the fiscal years 2008 and 2009
2 and such sums as may be necessary thereafter.

3 **SEC. 953. PRIVATE LOAN FORGIVENESS.**

4 Section 209 of title 18, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(i) This section does not prohibit—

8 “(1) a public or private institution of higher
9 education from providing an officer or employee of
10 the executive branch of the United States Govern-
11 ment, of any independent agency of the United
12 States, or of the District of Columbia who is a cur-
13 rent or former student of such institution, financial
14 assistance for the purpose of repaying a student loan
15 or providing forbearance of student loan repayment:
16 Provided, that such repaying or providing forbear-
17 ance—

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,
2 published policy of the institution relating
3 to repaying or providing forbearance, re-
4 spectively, for students who perform public
5 service; 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
13 independent agency of the United States, or of the
14 District of Columbia from receiving repayment or
15 forbearance 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 Inno-
20 vation Act of 1980 (15 U.S.C. 3704) is amended by insert-
21 ing the following after subsection (b):

22 “(c) **MINORITY SERVING INSTITUTION DIGITAL AND**
23 **WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—**

24 “(1) **IN GENERAL.—**The Secretary shall estab-
25 lish a Minority Serving Institution Digital and Wire-

1 less Technology Opportunity Program to assist eligi-
2 ble institutions in acquiring, and augmenting their
3 use of, digital and wireless networking technologies
4 to improve the quality and delivery of educational
5 services 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 objec-
13 tive 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, includ-
20 ing the provision of preservice teacher training
21 and in-service professional development at eligi-
22 ble institutions, library and media specialist
23 training, and preschool and teacher aid certifi-
24 cation to individuals who seek to acquire or en-
25 hance technology skills in order to use digital

1 and wireless networking technology in the class-
2 room or instructional process, including instruc-
3 tion in science, mathematics, engineering, and
4 technology subjects;

5 “(D) to obtain capacity-building technical
6 assistance, including through remote technical
7 support, technical assistance workshops, and
8 distance learning services; and

9 “(E) to foster the use of digital and wire-
10 less networking technology to improve research
11 and education, including scientific, mathe-
12 matics, engineering, and technology instruction.

13 “(3) APPLICATION AND REVIEW PROCE-
14 DURES.—

15 “(A) IN GENERAL.—To be eligible to re-
16 ceive a grant, cooperative agreement, or con-
17 tract under this subsection, an eligible institu-
18 tion shall submit an application to the Sec-
19 retary at such time, in such manner, and con-
20 taining such information as the Secretary may
21 require. Such application, at a minimum, shall
22 include a description of how the funds will be
23 used, including a description of any digital and
24 wireless networking technology to be acquired,
25 and a description of how the institution will en-

1 sure that digital and wireless networking will be
2 made accessible to, and employed by, students,
3 faculty, and administrators. The Secretary, con-
4 sistent with subparagraph (C) and in consulta-
5 tion with the advisory council established under
6 subparagraph (B), shall establish procedures to
7 review such applications. The Secretary shall
8 publish the application requirements and review
9 criteria in the Federal Register, along with a
10 statement describing the availability of funds.

11 “(B) ADVISORY COUNCIL.—The Secretary
12 shall establish an advisory council to advise the
13 Secretary on the best approaches to encourage
14 maximum participation by eligible institutions
15 in the program established under paragraph
16 (1), and on the procedures to review proposals
17 submitted to the program. In selecting the
18 members of the advisory council, the Secretary
19 shall consult with representatives of appropriate
20 organizations, including representatives of eligi-
21 ble institutions, to ensure that the membership
22 of the advisory council includes representatives
23 of minority businesses and eligible institution
24 communities. The Secretary shall also consult
25 with experts in digital and wireless networking

1 technology 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
5 institution shall be reviewed by a panel of indi-
6 viduals selected by the Secretary to judge the
7 quality and merit of the proposal, including the
8 extent to which the eligible institution can effec-
9 tively and successfully utilize the proposed
10 grant, cooperative agreement, or contract to
11 carry out the program described in paragraph
12 (1). The Secretary shall ensure that the review
13 panels include representatives of minority serv-
14 ing institutions and others who are knowledge-
15 able about eligible institutions and technology
16 issues. The Secretary shall ensure that no indi-
17 vidual assigned under this subsection to review
18 any application has a conflict of interest with
19 regard to that application. The Secretary shall
20 take into consideration the recommendations of
21 the review panel in determining whether to
22 award a grant, cooperative agreement, or con-
23 tract to an eligible institution.

24 “(D) INFORMATION DISSEMINATION.—The
25 Secretary shall convene an annual meeting of

1 eligible institutions receiving grants, cooperative
2 agreements, or contracts under this subsection
3 to foster collaboration and capacity-building ac-
4 tivities among eligible institutions.

5 “(E) MATCHING REQUIREMENT.—The
6 Secretary 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
10 by the institution in carrying out the program
11 for which the grant, cooperative agreement, or
12 contract was awarded, such institution shall
13 make available, directly, or through donations
14 from public or private entities, non-Federal con-
15 tributions in an amount equal to one-quarter of
16 the grant, cooperative agreement, or contract
17 awarded by the Secretary, or \$500,000, which-
18 ever is the lesser amount. The Secretary shall
19 waive the matching requirement for any institu-
20 tion or consortium with no endowment, or an
21 endowment that has a current dollar value
22 lower than \$50,000,000.

23 “(F) AWARDS.—

24 “(i) LIMITATION.—An eligible institu-
25 tion that receives a grant, cooperative

1 agreement, or contract under this sub-
2 section that exceeds \$2,500,000 shall not
3 be eligible to receive another grant, cooper-
4 ative agreement, or contract.

5 “(ii) CONSORTIA.—Grants, coopera-
6 tive agreements, and contracts may only be
7 awarded to eligible institutions. Eligible in-
8 stitutions may seek funding under this
9 subsection for consortia which may include
10 other eligible institutions, a State or a
11 State education agency, local education
12 agencies, institutions of higher education,
13 community-based organizations, national
14 nonprofit organizations, or businesses, in-
15 cluding minority businesses.

16 “(iii) PLANNING GRANTS.—The Sec-
17 retary may provide funds to develop stra-
18 tegic plans to implement such grants, co-
19 operative 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
4 under this subsection, the Secretary shall
5 give priority to the institution with the
6 greatest demonstrated need for assistance.

7 “(G) ANNUAL REPORT AND EVALUA-
8 TION.—

9 “(i) ANNUAL REPORT REQUIRED
10 FROM RECIPIENTS.—Each institution that
11 receives a grant, cooperative agreement, or
12 contract awarded under this subsection
13 shall provide an annual report to the Sec-
14 retary on its use of the grant, cooperative
15 agreement, or contract.

16 “(ii) INDEPENDENT ASSESSMENT.—
17 Not later than 6 months after the date of
18 enactment of this subsection, the Secretary
19 shall enter into a contract with the Na-
20 tional Academy of Public Administration
21 to conduct periodic assessments of the pro-
22 gram. The Assessments shall be conducted
23 once every 3 years during the 10-year pe-
24 riod following the enactment of this sub-
25 section. The assessments shall include an

1 evaluation of the effectiveness of the pro-
2 gram in improving the education and
3 training of students, faculty and staff at
4 eligible institutions that have been awarded
5 grants, cooperative agreements, or con-
6 tracts under the program; an evaluation of
7 the effectiveness of the program in improv-
8 ing access to, and familiarity with, digital
9 and wireless networking technology for stu-
10 dents, faculty, and staff at all eligible insti-
11 tutions; an evaluation of the procedures es-
12 tablished under paragraph (3)(A); and rec-
13 ommendations for improving the program,
14 including recommendations concerning the
15 continuing need for Federal support. In
16 carrying out its assessments, the National
17 Academy of Public Administration shall re-
18 view the reports submitted to the Secretary
19 under clause (i).

20 “(iii) REPORT TO CONGRESS.—Upon
21 completion of each independent assessment
22 carried out under clause (ii), the Secretary
23 shall transmit the assessment to Congress
24 along with a summary of the Secretary’s
25 plans, if any, to implement the rec-

1 ommendations of the National Academy of
2 Public Administration.

3 “(H) DEFINITIONS.—In this subsection:

4 “ (i) DIGITAL AND WIRELESS NET-
5 WORKING TECHNOLOGY.—The term ‘dig-
6 ital and wireless networking technology’
7 means computer and communications
8 equipment and software that facilitates the
9 transmission of information in a digital
10 format.

11 “ (ii) ELIGIBLE INSTITUTION.—The
12 term ‘eligible institution’ means an institu-
13 tion that is—

14 “(I) a historically Black college
15 or university that is a part B institu-
16 tion, as defined in section 322(2) of
17 the Higher Education Act of 1965 (20
18 U.S.C. 1061(2)), an institution de-
19 scribed in section 326(e)(1)(A), (B),
20 or (C) of that Act (20 U.S.C.
21 1063b(e)(1)(A), (B), or (C)), or a
22 consortium of institutions described in
23 this subparagraph;

24 “(II) a Hispanic-serving institu-
25 tion, as defined in section 502(a)(5)

1 of the Higher Education Act of 1965
2 (20 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
6 Act 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
17 of the Higher Education Act of 1965
18 (20 U.S.C. 1067k)) with an enroll-
19 ment of needy students (as defined in
20 section 312(d) of the Higher Edu-
21 cation Act of 1965 (20 U.S.C.
22 1058(d))).

23 “(iii) INSTITUTION OF HIGHER EDU-
24 CATION.—The term ‘institution of higher
25 education’ has the meaning given the term

1 in section 101 of the Higher Education
2 Act of 1965 (20 U.S.C. 1001).

3 “(iv) LOCAL EDUCATIONAL AGEN-
4 CY.—The term ‘local educational agency’
5 has the meaning given the term in section
6 9101 of the Elementary and Secondary
7 Education 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
22 9101 of the Elementary and Secondary
23 Education 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.
4 7801).”.

5 **SEC. 962. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to the Sec-
7 retary of Commerce to carry out section 5(c) of the Ste-
8 venson-Wylder Technology Innovation Act of 1980—
9 (1) \$250,000,000 for fiscal year 2008; and
10 (2) such sums as may be necessary for each of
11 the fiscal years 2009 through 2012.

12 **TITLE X—PRIVATE STUDENT**
13 **LOAN TRANSPARENCY AND**
14 **IMPROVEMENT**

15 **SECTION 1001. SHORT TITLE.**

16 This title may be cited as the “Private Student Loan
17 Transparency and Improvement Act of 2007”.

18 **SEC. 1002. DEFINITIONS.**

19 As used in this title—

20 (1) the term “Board” means the Board of Gov-
21 ernors of the Federal Reserve System;

22 (2) the term “covered educational institu-
23 tion”—

24 (A) means any educational institution that
25 offers a postsecondary educational degree, cer-

1 tificate, or program of study (including any in-
2 stitution of higher education); and

3 (B) includes an agent or employee of the
4 educational institution;

5 (3) the terms “Federal banking agencies” and
6 “appropriate Federal banking agency” have the
7 same meanings as in section 3 of the Federal De-
8 posit Insurance Act (12 U.S.C. 1813);

9 (4) the term “institution of higher education”
10 has the same meaning as in section 102 of the High-
11 er Education Act of 1965 (20 U.S.C. 1002);

12 (5) the term “postsecondary educational ex-
13 penses” means any of the expenses that are included
14 as part of the cost of attendance of a student, as de-
15 fined under section 472 of the Higher Education Act
16 of 1965 (20 U.S.C. 10871l);

17 (6) the term “private educational lender”
18 means any creditor (as defined in section 103 of the
19 Truth in Lending Act) which solicits, makes, or ex-
20 tends private educational loans.

21 (7) the term “private educational loan”—

22 (A) means a loan provided by a private
23 educational lender that—

24 (i) is not made, insured, or guaran-
25 teed under part B of title IV of the Higher

1 Education Act of 1965 (20 U.S.C. 1070 et
2 seq.); and

3 (ii) is issued by a private educational
4 lender expressly for postsecondary edu-
5 cational expenses to a student, or the par-
6 ent of the student, regardless of whether
7 the loan involves enrollment certification
8 by the educational institution that the stu-
9 dent attends, or whether the loan is pro-
10 vided through the educational institution
11 that the subject student attends or directly
12 to the borrower from the lender; and

13 (B) does not include an extension of credit
14 under an open end consumer credit plan, a resi-
15 dential mortgage transaction (as those terms
16 are defined in section 103 of the Truth in
17 Lending Act), or any other loan that is secured
18 by real property or a dwelling.

19 **SEC. 1003. REGULATIONS.**

20 The Board shall issue final regulations to implement
21 this title and the amendments made by this title not later
22 than 180 days after the date of enactment of this title.

23 **SEC. 1004. EFFECTIVE DATES.**

24 This title and the amendments made by this title
25 shall become effective 180 days after the date on which

1 “(A) means any gratuity, favor, discount,
2 entertainment, hospitality, loan, or other item
3 having a monetary value of more than a de
4 minimis amount, including a gift of services,
5 transportation, lodging, or meals, whether pro-
6 vided in kind, by purchase of a ticket, payment
7 in advance, or reimbursement after the expense
8 has been incurred;

9 “(B) does not include—

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 em-
15 ployee or agent of a covered educational in-
16 stitution, as an integral part of a training
17 session that is designed to improve the
18 service of the private educational lender to
19 the covered educational institution, if such
20 training contributes to the professional de-
21 velopment of the employee or agent of the
22 covered educational institution; or

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

1 ered educational institution if such terms,
2 conditions, or benefits are comparable to
3 those provided to all students of the insti-
4 tution; and

5 “(C) includes a gift to a family member of
6 an officer, employee, or agent of a covered insti-
7 tution, or a gift to any other individual based
8 on that individual’s relationship with the offi-
9 cer, employee, or agent, if—

10 “(i) the gift is given with the knowl-
11 edge and acquiescence of the officer, em-
12 ployee, or agent; and

13 “(ii) the officer, employee, or agent
14 has reason to believe the gift was given be-
15 cause of the official position of the officer,
16 employee, or agent.

17 “(3) INSTITUTION OF HIGHER EDUCATION.—
18 the term ‘institution of higher education’ has the
19 same meaning as in section 102 of the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1002).

21 “(4) POSTSECONDARY EDUCATIONAL EX-
22 PENSE.—The term ‘postsecondary educational ex-
23 penses’ means any of the expenses that are included
24 as part of the cost of attendance of a student, as de-

1 fined under section 472 of the Higher Education Act
2 of 1965 (20 U.S.C. 10871l).

3 “(5) PRIVATE EDUCATIONAL LENDER.—The
4 term ‘private educational lender’ means a creditor
5 which solicits, makes, or extends private educational
6 loans.

7 “(6) PRIVATE EDUCATIONAL LOAN.—The term
8 ‘private educational loan’—

9 “(A) means a loan provided by a private
10 educational lender that—

11 “(i) is not made, insured, or guaran-
12 teed under part B of title IV of the Higher
13 Education Act of 1965 (20 U.S.C. 1070 et
14 seq.); and

15 “(ii) is issued by a private educational
16 lender expressly for postsecondary edu-
17 cational expenses to a student, or the par-
18 ent of the student, regardless of whether
19 the loan involves enrollment certification
20 by the educational institution that the stu-
21 dent attends, or whether the loan is pro-
22 vided through the educational institution
23 that the subject student attends or directly
24 to the borrower from the lender; and

1 “(B) does not include an extension of cred-
2 it under an open end consumer credit plan, a
3 residential mortgage transaction, or any other
4 loan that is secured by real property or a dwell-
5 ing.

6 “(7) REVENUE SHARING.—the term ‘revenue
7 sharing’ means an arrangement between a covered
8 educational institution and a private educational
9 lender under which—

10 “(A) a private educational lender provides
11 or issues private educational loans to students
12 attending the covered educational institution or
13 to the parents of such students;

14 “(B) the covered educational institution
15 recommends to students or others the private
16 educational lender or the private educational
17 loans of the private educational lender; and

18 “(C) the private educational lender pays a
19 fee or provides other material benefits, includ-
20 ing profit or revenue sharing, to the covered
21 educational institution or to the officers, em-
22 ployees, or agents of the covered educational in-
23 stitution in connection with the private edu-
24 cational loans provided to students attending

1 the covered educational institution or a bor-
2 rower acting on behalf of a student.

3 “(b) PROHIBITION ON CERTAIN GIFTS AND AR-
4 RANGEMENTS.—A private educational lender, including
5 any officer or employee thereof, may not, directly or indi-
6 rectly—

7 “(1) offer or provide any gift to a covered edu-
8 cational institution or a covered educational institu-
9 tion employee, nor may such covered educational in-
10 stitution, officer, or employee receive any such gift,
11 in exchange for any advantage or consideration pro-
12 vided to such private educational lender related to
13 its private educational loan activities; or

14 “(2) engage in revenue sharing with a covered
15 educational institution.

16 “(c) PROHIBITION ON CO-BRANDING.—A private
17 educational lender may not use the name, emblem, mascot,
18 or logo of the covered educational institution, or other
19 words, pictures, or symbols readily identified with the cov-
20 ered educational institution, in the marketing of private
21 educational loans in any way that implies that the covered
22 educational institution endorses the private educational
23 loans offered by the lender.

24 “(d) BAN ON PARTICIPATION ON ADVISORY COUN-
25 CILS.—

1 “(1) IN GENERAL.—An officer, employee, or
2 agent who is employed in the financial aid office of
3 a covered institution, or who otherwise has respon-
4 sibilities with respect to private educational loans,
5 shall not serve on or otherwise participate with advi-
6 sory councils of private educational lenders or affili-
7 ates of such lenders.

8 “(2) RULES OF CONSTRUCTION.—No provision
9 of this subsection shall be construed as—

10 “(A) prohibiting private educational lend-
11 ers from seeking advice from covered institu-
12 tions or groups of covered institutions (includ-
13 ing through telephonic or electronic means, or
14 a meeting) in order to improve products and
15 services for borrowers, to the extent that no
16 gifts or compensation (including for transpor-
17 tation, lodging, or related expenses) are pro-
18 vided by private educational lenders in connec-
19 tion with seeking this advice from such institu-
20 tions; or

21 “(B) prohibiting an employee, officer, or
22 agent of a covered institution from serving on
23 the board of directors of a private educational
24 lender, if required by State law.

1 “(e) PROHIBITION ON PREPAYMENT OR REPAYMENT
2 FEES OR PENALTY.—It shall be unlawful for any private
3 educational lender to impose a fee or penalty on a bor-
4 rower, directly or indirectly, for early repayment or pre-
5 payment, of any private educational loan.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for chapter 2 of the Truth in Lending Act is amended
8 by inserting after the item relating to section 139 the fol-
9 lowing new item:

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

10 **SEC. 1012. CIVIL LIABILITY.**

11 Section 130 of the Truth in Lending Act (15 U.S.C.
12 1640) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (3), by inserting “or sec-
15 tion 128(e)(8)” after “section 125”; and

16 (B) in the fourth sentence of the undesig-
17 nated matter at the end—

18 (i) by striking “125 or” and
19 inserting “125,”; and

20 (ii) by inserting “or of section
21 128(e),” before “or for failing”; and

22 (2) in subsection (e), by inserting before the
23 first period, the following: “or, in the case of a viola-
24 tion involving a private educational loan, 1 year

1 from the date on which the first regular payment of
2 principal is due under the loan”.

3 **Subtitle B—Improved Disclosures**
4 **for Private Educational Loans**

5 **SEC. 1021. PRIVATE EDUCATIONAL LOAN DISCLOSURES**
6 **AND LIMITATIONS.**

7 Section 128 of the Truth in Lending Act (15 U.S.C.
8 1638) is amended by adding at the end the following new
9 subsection:

10 “(e) TERMS AND DISCLOSURE WITH RESPECT TO
11 PRIVATE EDUCATIONAL LOANS.—

12 “(1) DISCLOSURES REQUIRED IN PRIVATE EDU-
13 CATIONAL LOAN APPLICATIONS AND SOLICITA-
14 TIONS.—In any application for a private educational
15 loan, or a solicitation for a private educational loan
16 without requiring an application, the creditor shall
17 disclose to the borrower, clearly and conspicuously—

18 “(A) the potential range of rates of inter-
19 est applicable to the private educational loan;

20 “(B) whether the rate of interest applica-
21 ble to the private educational loan is fixed or
22 variable;

23 “(C) limitations on interest rate adjust-
24 ments, both in terms of frequency and amount,
25 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
6 on 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
13 relates is enrolled at an institution of higher
14 education;

15 “(I) payment deferral options, including
16 whether the deferment would apply to interest
17 or 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
21 private educational loan over the life of the
22 loan—

23 “(i) which shall be calculated using
24 the principal amount and the maximum

1 rate of interest actually offered by the
2 creditor; and

3 “(ii) calculated both with and without
4 capitalization of interest, if that is an op-
5 tion for postponing interest payments;

6 “(L) a statement that an institution of
7 higher education may have school-specific edu-
8 cational loan benefits and terms not detailed on
9 the disclosure form;

10 “(M) that the borrower may qualify for
11 Federal financial assistance through a program
12 under title IV of the Higher Education Act of
13 1965, in lieu of, or in addition to, a loan from
14 a non-Federal source;

15 “(N) the interest rates available with re-
16 spect to such Federal financial assistance
17 through a program under title IV of the Higher
18 Education Act of 1965;

19 “(O) that the consumer may obtain addi-
20 tional information concerning such Federal fi-
21 nancial assistance from their institution of
22 higher education or at the website of the De-
23 partment of Education;

24 “(P) that, as provided in paragraph (6)—

1 “(i) the borrower shall have up to 30
2 calendar days following the date on which
3 the application for the private educational
4 loan is approved and the borrower receives
5 the disclosure documents required under
6 this subsection for the loan to accept the
7 terms of the private educational loan and
8 consummate the transaction; and

9 “(ii) except for changes based on ad-
10 justments to the index used for a loan, the
11 rates and terms of the loan may not be
12 changed by the creditor during that 30-day
13 period; and

14 “(Q) such other information as the Board
15 shall prescribe, by rule, as necessary or appro-
16 priate for consumers to make informed bor-
17 rowing decisions.

18 “(2) WRITTEN ACKNOWLEDGMENT OF RE-
19 CEIPT.—In each case in which a disclosure is pro-
20 vided pursuant to paragraph (1) and an application
21 initiated, a creditor shall obtain a written acknowl-
22 edgment from the consumer that the consumer has
23 read and understood the disclosure.

24 “(3) DISCLOSURES AT THE TIME OF PRIVATE
25 EDUCATIONAL LOAN APPROVAL.—Subject to the

1 rules of the Board, contemporaneously with the ap-
2 proval of a private educational loan application, and
3 before the loan transaction is consummated, the
4 creditor shall disclose to the borrower, clearly and
5 conspicuously—

6 “(A) the applicable rate of interest in ef-
7 fect on the date of approval;

8 “(B) whether the rate of interest applica-
9 ble to the private educational loan is fixed or
10 variable;

11 “(C) limitations on interest rate adjust-
12 ments, both in terms of frequency and amount,
13 or the lack thereof;

14 “(D) the initial approved principal amount;

15 “(E) applicable finance charges, late fees,
16 penalties, and adjustments to principal, based
17 upon borrower defaults or late payments;

18 “(F) the maximum term under the private
19 educational loan program;

20 “(G) an estimate of the total amount for
21 repayment, at both the interest rate in effect on
22 the date of approval and at the maximum pos-
23 sible rate of interest actually offered by the
24 creditor, to the extent that such maximum rate

1 may be determined, or if not, a good faith esti-
2 mate thereof;

3 “(H) any principal and interest payments
4 required while the student to whom the private
5 educational loan relates is enrolled at an insti-
6 tution of higher education and interest which
7 will accrue during such enrollment;

8 “(I) payment deferral options, including
9 whether the deferment would apply to interest
10 or principal, or both;

11 “(J) whether monthly payments are grad-
12 uated;

13 “(K) that, as provided in paragraph (7)—

14 “(i) the borrower shall have up to 30
15 calendar days following the date on which
16 the application for the private educational
17 loan is approved and the borrower receives
18 the disclosure documents required under
19 this subsection for the loan to accept the
20 terms of the private educational loan and
21 consummate the transaction; and

22 “(ii) except for changes based on ad-
23 justments to the index used for a loan, the
24 rates and terms of the loan may not be

1 changed by the creditor during that 30-day
2 period;

3 “(L) that the borrower may qualify for
4 Federal financial assistance through a program
5 under title IV of the Higher Education Act of
6 1965, in lieu of, or in addition to, a loan from
7 a non-Federal source;

8 “(M) the interest rates available with re-
9 spect to such Federal financial assistance
10 through a program under title IV of the Higher
11 Education Act of 1965;

12 “(N) the maximum monthly payment, cal-
13 culated using the maximum rate of interest ac-
14 tually offered by the creditor, to the extent that
15 such maximum rate may be determined, or if
16 not, a good faith estimate thereof; and

17 “(O) such other information as the Board
18 shall prescribe, by rule, as necessary or appro-
19 priate for consumers to make informed bor-
20 rowing decisions.

21 “(4) PROVISION OF INFORMATION.—Before a
22 creditor may issue any funds with respect to an ex-
23 tension of credit described in paragraph (1) for an
24 amount equal to more than \$1,000, the creditor
25 shall notify the relevant institution of higher edu-

1 cation, in writing, of the proposed extension of credit
2 and the amount thereof.

3 “(5) DISCLOSURES AT THE TIME OF PRIVATE
4 EDUCATIONAL LOAN CONSUMMATION.—Subject to
5 the regulations prescribed by the Board, contem-
6 poraneously with the consummation of a private edu-
7 cational loan, the creditor shall make each of the
8 disclosures described in subparagraphs (A) through
9 (J) and (L) through (O) of paragraph (3) to the
10 borrower.

11 “(6) FORMAT OF DISCLOSURES.—Disclosures
12 required under paragraphs (1), (3), and (5) shall ap-
13 pear in a clearly legible, uniform format, subject to
14 section 122(c).

15 “(7) EFFECTIVE PERIOD OF APPROVED RATE
16 OF INTEREST AND LOAN TERMS.—

17 “(A) IN GENERAL.—With respect to a pri-
18 vate educational loan, the borrower shall have
19 the right to accept the terms of the loan and
20 consummate the transaction at any time within
21 30 calendar days following the date on which
22 the application for the private educational loan
23 is approved and the borrower receives the dis-
24 closure documents required under this sub-
25 section for the loan, and the rates and terms of

1 the loan may not be changed by the creditor
2 during that period, subject to the rules of the
3 Board.

4 “(B) PROHIBITION ON CHANGES.—Except
5 for changes based on adjustments to the index
6 used for a loan, the rates and terms of the loan
7 may not be changed by the creditor prior to the
8 earlier of—

9 “(i) the date of acceptance of the
10 terms of the loan and consummation of the
11 transaction by the borrower, as described
12 in subparagraph (A); or

13 “(ii) the expiration of the 30-day pe-
14 riod referred to in subparagraph (A).

15 “(C) PROHIBITION ON DISBURSEMENT.—
16 No funds may be disbursed with respect to a
17 private educational loan until acceptance of the
18 loan by the borrower under subparagraph (A)
19 and the expiration of the 3-day period under
20 paragraph (7).

21 “(8) RIGHT TO CANCEL.—With respect to a
22 private educational loan, the borrower may cancel
23 the loan, without penalty to the borrower, at any
24 time within 3 business days of the date on which the
25 loan is consummated, subject to the rules of the

1 Board. No funds may be transferred to the borrower
2 during that 3-day period.

3 “(9) DEFINITIONS.—For purposes of this sub-
4 section, the following definitions shall apply:

5 “(A) INSTITUTION OF HIGHER EDU-
6 CATION.—The term ‘institution of higher edu-
7 cation’ has the same meaning as in section 102
8 of the Higher Education Act of 1965 (20
9 U.S.C. 1002).

10 “(B) PRIVATE EDUCATIONAL LENDER.—
11 The term ‘private educational lender’ means
12 any creditor engaged in the business of solici-
13 ting, making, or extending private educational
14 loans.

15 “(C) PRIVATE EDUCATIONAL LOAN.—The
16 term ‘private educational loan’—

17 “(i) means a loan provided by a pri-
18 vate educational lender that—

19 “(I) is not made, insured, or
20 guaranteed under part B of title IV of
21 the Higher Education Act of 1965 (20
22 U.S.C. 1070 et seq.); and

23 “(II) is issued by a private edu-
24 cational lender expressly for postsec-
25 ondary educational expenses to a stu-

1 dent, or the parent of the student, re-
2 gardless of whether the loan involves
3 enrollment certification by the edu-
4 cational institution that the student
5 attends, or whether the loan is pro-
6 vided through the educational institu-
7 tion that the subject student attends
8 or directly to the borrower from the
9 lender; and

10 “(ii) does not include an extension of
11 credit under an open end consumer credit
12 plan, a reverse mortgage transaction, a
13 residential mortgage transaction, or any
14 other loan that is secured by real property
15 or a dwelling.”.

16 **SEC. 1022. APPLICATION OF TRUTH IN LENDING ACT TO**
17 **ALL PRIVATE EDUCATIONAL LOANS.**

18 Section 104(3) of the Truth in Lending Act (15
19 U.S.C. 1603(3)) is amended by inserting “and other than
20 private educational loans (as that term is defined in sec-
21 tion 140(a))” after “consumer”.

22 **Subtitle C—Financial Literacy**

23 **SEC. 1031. COORDINATED EDUCATION EFFORTS.**

24 (a) IN GENERAL.—The Secretary of the Treasury (in
25 this section referred to as the “Secretary”), in coordina-

1 tion with the Secretary of Education, the Secretary of Ag-
2 riculture (with respect to land grant covered educational
3 institutions), and any other appropriate agency that is a
4 member of the Financial Literacy and Education Commis-
5 sion established under the Financial Literacy and Edu-
6 cation Improvement Act (20 U.S.C. 9701 et seq.), shall
7 seek to enhance financial literacy among students at insti-
8 tutions of higher education through—

9 (1) the development of initiatives, programs,
10 and curricula that improve student awareness of the
11 short- and long-term costs associated with edu-
12 cational loans and other debt assumed while in col-
13 lege, their repayment obligations, and their rights as
14 borrowers; and

15 (2) assisting such students in navigating the fi-
16 nancial aid process.

17 (b) DUTIES.—For purposes of this section, the Sec-
18 retary, working in conjunction with the Secretary of Edu-
19 cation, the Secretary of Agriculture, and the Financial
20 Literacy and Education Commission, shall—

21 (1) identify programs that promote or enhance
22 financial literacy for college students, with specific
23 emphasis on programs that impart the knowledge
24 and ability for students to best navigate the finan-
25 cial aid process, including those that involve partner-

1 ships between nonprofit organizations, colleges and
2 universities, State and local governments, and stu-
3 dent organizations;

4 (2) evaluate the effectiveness of such programs
5 in terms of measured results, including positive be-
6 havioral change among college students;

7 (3) promote the programs identified as being
8 the most effective; and

9 (4) encourage institutions of higher education
10 to implement financial education programs for their
11 students, including those that have the highest eval-
12 uations.

13 (c) REPORT.—

14 (1) IN GENERAL.—Not later than 2 years after
15 the date of enactment of this title, the Financial Lit-
16 eracy and Education Commission shall submit a re-
17 port to Congress on the state of financial education
18 among students at institutions of higher education.

19 (2) CONTENT.—The report required by this
20 subsection shall include a description of progress
21 made in enhancing financial education with respect
22 to student understanding of financial aid, including
23 the programs and evaluations required by this sec-
24 tion.

1 (3) APPEARANCE BEFORE CONGRESS.—The
2 Secretary shall, upon request, provide testimony be-
3 fore the Committee on Banking, Housing, and
4 Urban Affairs of the Senate concerning the report
5 required by this subsection.

6 **Subtitle D—Study and Report on**
7 **Nonindividual Information**

8 **SEC. 1041. STUDY AND REPORT ON NONINDIVIDUAL INFOR-**
9 **MATION.**

10 (a) STUDY.—The Comptroller General of the United
11 States (in this section referred to as the “Comptroller”)
12 conduct a study—

13 (1) on the impact on and benefits to borrowers
14 of the inclusion of nonindividual factors, including
15 cohort default rate, accreditation, and graduation
16 rate at institutions of higher education, used in the
17 underwriting criteria to determine the pricing of pri-
18 vate educational loans;

19 (2) to examine whether and to what extent the
20 inclusion of such nonindividual factors—

21 (A) increases access to private educational
22 loans for borrowers who lack credit history or
23 results in less favorable rates for such bor-
24 rowers; and

1 (B) impacts the types of private edu-
2 cational loan products and rates available at
3 certain institutions of higher education, includ-
4 ing a comparison of such impact—

5 (i) on private and public institutions;

6 and

7 (ii) on historically Black colleges and
8 universities (defined for purposes of this
9 section as a “part B institution”, within
10 the meaning of section 322 of the Higher
11 Education Act of 1965 (20 U.S.C. 1061))
12 and other colleges and universities; and

13 (3) to assess the extent to which the use of
14 such nonindividual factors in underwriting may have
15 a disparate impact on the pricing of private edu-
16 cational loans, based on gender, race, income level,
17 and institution of higher education.

18 (b) REPORT.—Not later than 1 year after the date
19 of enactment of this title, the Comptroller shall submit
20 a report to Congress on the results of the study required
21 by this section.

1 **Subtitle E—Incentives For Low-**
2 **Cost Educational Loans**

3 **SEC. 1051. CRA CREDIT FOR LOW-COST EDUCATIONAL**
4 **LOANS.**

5 Section 804 of the Community Reinvestment Act of
6 1977 (12 U.S.C. 2903) is amended by adding at the end
7 the following new subsection:

8 “(d) **LOW-COST EDUCATIONAL LOANS.**—In assessing
9 and taking into account, under subsection (a), the record
10 of a financial institution, the appropriate Federal financial
11 supervisory agency shall consider, as a factor, low-cost
12 educational loans provided by the financial institution to
13 low-income borrowers.”.